

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1934

(24th January to 16th February, 1934)

SEVENTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1934



NEW DELHI
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Legislative Assembly.

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Deputy President:

MR. ABDUL MATIN CHAUDHURY, M.L.A.

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MR. N. M. JOSHI, M.L.A.

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary:

RAI BAHADUR D. DUTT.

Marshal:

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A

Committee on Public Petitions:

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SEVENTH SESSION OF THE FOURTH
LEGISLATIVE ASSEMBLY.)

VOLUME I—1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 24th January, 1934.

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Eleven of the Clock, being the First Day of the Seventh Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Shanmukham Chetty) was in the Chair.

MEMBERS SWORN.

Mr. Frederick Weston Hockenhull, M.L.A. (Assam: European);
Mr. Bertrand James Glancy, C.S.I., C.I.E., M.L.A. (Political Secretary);
Mr. Tennant Sloan, C.I.E., M.L.A. (Government of India: Nominated Official);
Mr. James Braid Taylor, C.I.E., M.L.A. (Government of India: Nominated Official);
Mr. Hugh Byard Clayton, C.I.E., M.L.A. (Bombay: Nominated Official);
Mr. Dharendra Nath Mukharji, M.L.A. (Bengal: Nominated Official);
Mr. John Henry Darwin, C.I.E., M.L.A. (United Provinces: Nominated Official); and
Mr. Cyril James Irwin, C.S.I., C.I.E., M.L.A. (Central Provinces: Nominated Official).

QUESTIONS AND ANSWERS.

PUTTING IN OF INDIANS ON THE QUOTA BASIS IN THE AMERICAN EMIGRATION ACT.

1. *Mr. B. V. Jadhav: (a) Has the attention of Government been drawn to the statement made by Mr. K. Natarajan of Bombay in the

Indian Social Reformer about the advice given by the British Ambassador at Washington not to put Indians on the quota basis in the American Emigration Act?

(b) What are the facts?

(c) Had Government any hand in that advice?

Mr. B. J. Glancy: (a) Yes, Sir.

(b) Government have no reason whatever to think that there is any truth in the suggestion.

(c) Does not arise.

RECRUITMENT OF OUTSIDERS AS READERS AND REVISERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

2. *Rao Bahadur M. C. Rajah: (a) Is it a fact that the Controller of Printing and Stationery has ordered the Manager of the Government of India Press, New Delhi, to hold qualifying tests of revisers and copy-holders for promotions to reader's grade?

(b) Is it a fact that it has further been laid down by the same authority that all fresh recruitment in the Reading Branch of the said Press in any grade should be made on the basis of the result of that competitive examination?

(c) Is it a fact that a qualifying examination of revisers and copy-holders was held in the Government of India Press, New Delhi, on the 6th December, 1933, at which eight candidates duly qualified themselves for the readers' posts?

(d) Is it a fact that five posts of readers and one post of reviser were at that time lying vacant in the said Press?

(e) Is it a fact that only three out of the above eight candidates were posted as readers and one as a reviser?

(f) Are Government aware that the Manager of the said Press is planning to recruit two men as readers from outside?

(g) If the answer to part (f) be in the affirmative, are Government prepared to direct the Manager to examine these fresh recruits in order to gauge their efficiency, or otherwise, for discharging the duties of the posts in which they are proposed to be recruited?

(h) Is it a fact that by recruiting these two men, promotion of some departmental qualified men will be blocked?

(i) If the answer to part (h) above be in the affirmative, do Government propose to bring to the notice of the Manager the undesirability of recruiting men from outside when departmental qualified candidates are available? If not, why not?

The Honourable Sir Frank Noyce: (a) to (e). The power to appoint to the grade of reader is vested in the Manager of the Press and Government have no information on these points.

(f) No.

(g) Does not arise.

(h) and (i). Government have no reason to suppose that men will be recruited from outside if men with good qualifications are available in the Press and do not think it necessary to issue instructions.

GRIEVANCES OF THE SELECTION GRADE OFFICIALS OF THE POSTS AND TELEGRAPHS DEPARTMENT WHO PASSED THE OLD INSPECTORS' EXAMINATION HELD BEFORE 1928.

3. ***Mr. Muhammad Muazzam Sahib Bahadur:** (a) Is it a fact that officials of the upper division of the Post Office and Railway Mail Service Branches of the Post and Telegraph Department who have passed the old examination for Inspectors (held before 1928) are eligible for promotion to the cadre of Inspectors?

(b) Is it a fact that officials of the selection grade who have passed this old examination for Inspectors (held before 1928) are not eligible for promotion to the cadre of Inspectors?

(c) If the reply to part (b) be in the affirmative, do Government propose to consider the question of allowing promotion to Inspector's cadre to the officials referred to in part (b) above, who are senior to those mentioned in part (a), and remove the grievance of the selection grade officials?

The Honourable Sir Frank Noyce: (a) The reply is in the affirmative.

(b) Officials of the lowest selection grade and Inspectors of Post Offices and of the Railway Mail Service are on the same scale of pay of Rs. 160—250 and the question of promotion of the former to the cadre of Inspectors does not therefore arise.

(c) Does not arise in view of the reply given to part (b).

RECRUITMENT TO THE INDIAN CIVIL SERVICE.

4. ***Mr. B. R. Puri:** (a) Will Government be pleased to lay on the table a statement showing the recruitment to the Indian Civil Service since 1921 in the following form:

Year.	No. recruited on the result of the London Examination.				No. recruited on the result of the Indian Competition.			
	By competition.		By nom., if any.		By open Comp.		By nomination (to redress communal inequalities).	
	Eng.	Indian.	Eng.	Indian.	Indian.	Burmese.	Indian.	Burmese
July 1921—June 1922 .								
1922-23 .								
1923-24 .								
1924-25 .								
1925-26 .								
1926-27 .								
1927-28 .								
1928-29 .								
1929-30 .								
1930-31 .								
1931-32 .								
1932-33 .								
1933-34 .								

(b) On what basis is the proportion to be selected on the result of either competition calculated?

(c) What is the reason for the low number of appointments thrown open at the Indian competitions?

The Honourable Sir Harry Haig: (a) A statement is laid on the table.

(b) and (c). The accepted proportion of British to Indian recruitment since 1925-26 is 50 : 50. The London examination in any year and the examination and nominations in India in the succeeding year are taken together as forming one recruitment year. It is necessary to take on the result of the open competitive London examination as many Indians as secure places above the last successful British candidate. The remaining vacancies for Indians are filled by competition and nomination in India. In recent years the number of Indians successful in London has been high so that it has not been possible to offer more than a very small number of vacancies to Indians at the Delhi examination, even though the total number of Indians recruited has been in excess of the number of British recruits, and a departure has been made from the 50 : 50 ratio.

Statement showing the recruitment to the Indian Civil Service since 1921.

Year.	No. selected on the result of the London examination.				No. selected on the result of the Indian competition.			
	By competition.		By nomination, if any.		By open competition.		By nomination (to redress communal inequalities).	
	Euro-peans.	In-dians.	Euro-peans.	In-dians.	In-dians.	Bur-mans.	In-dians.	Bur-mans.
1921-22 .	3	13	..	..	9	..	3†	1
1922-23 .	6	10	..	..	9	..	1	1
1923-24 .	7	4	..	..	5	..	2	..
1924-25 .	3	8	..	..	5	..	2	..
1925-26 .	21*	15	..	..	3	..	2	2
1926-27 .	29†	11	..	1§	9	..	2	4
1927-28 .	37†	21	..	..	6	..	5	4¶
1928-29 .	36	16†	..	..	9||	5||	6	..
1929-30 .	35	17	..	1	8	..	5	..
1930-31 .	25	24	..	..	11	6	2	..
1931-32 .	24	10	..	..	5	3	4	..
1932-33 .	14†	16	..	..	4	3¶	..	..
1933-34 .	17	18	..	..	Recruitment incomplete.			

* 1 Resigned during probation, and 1 died shortly after arrival in India.

† 1 Resigned during probation.

‡ 1 Died during probation.

§ Failed in the Final Examination and was not appointed to the service.

|| 1 Failed in the Final Medical Examination and was not appointed to the service.

¶ Includes one Anglo-Burman.

INDIAN CIVIL SERVICE CANDIDATES UNDER PROBATION AT A BRITISH UNIVERSITY.

5. ***Mr. B. R. Puri:** (a) What are the objects with which candidates selected at the competitive examinations for the Indian Civil Service are kept "under probation" at a British University before taking over charge of their duties?

(b) Why are candidates, selected at the London competition, kept "under probation" for one year and those selected at the Indian competition for two years?

(c) Is any differentiation in this regard made between Indian candidates educated at a British University and Indians who proceed to London a few months before the examination and come out successful?

(d) What is the last three years' average expenditure under (i) probationary allowance and fees for recruits selected in London, (ii) the same for those selected in India and (iii) passages for the latter?

The Honourable Sir Harry Haig: (a) The object of the period of probation is to give candidates a special training for their duties in India such as the course of probation affords.

(b) Candidates selected in India are required to remain on probation for two years, as it is considered desirable that they should acquire as full experience as possible of British life and institutions. I would add that the maximum age limit for the Indian examination is below that for the London examination.

(c) No.

(d) The information is not readily available and its collection would involve an amount of labour which I do not think would be justified. I may state, however, for the Honourable Member's information that the probationary allowance for selected candidates of Indian domicile is £315 a year and for other selected candidates £270 a year.

EDUCATIONAL FACILITIES GIVEN TO THE CHILDREN OF THE SUBORDINATE EMPLOYEES ON THE EAST INDIAN RAILWAY.

6. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that certain concessions are given by the East Indian Railway administration in the shape of half hostel and tuition fees *upto the eighth class only* to the children of the subordinate employees of the East Indian Railway who attend a school situated more than five miles away from the places where their guardians are posted?

(b) If so, will Government please state the principle on which these concessions are given upto eighth class only and not upto the matriculation standard?

(c) Do Government propose to bring this matter to the notice of the Agent, East Indian Railway, with a view to considering the desirability of giving these facilities upto the matriculation class?

Mr. P. R. Rau: (a) Under existing rules, assistance is limited to education for the period covered by the primary and middle standards, *i.e.*, up to and including the middle school or Junior Cambridge classes and secondly to cases where an employee is compelled to send his child or children to

a boarding school away from the station at which he is posted. It has been ruled that assistance should be given if no school exists within five miles of the station at which employees can obtain education of the requisite standard for their children. For further particulars I would refer my Honourable friend to the rules governing the grant of assistance from railway funds to employees of State-managed Railways towards the education of their children, copies of which are available in the Library of the House.

(b) and (c). When the rules were originally promulgated it was considered that assistance up to the standard laid down was sufficient. Representations have been made to the Railway Board that the period should be extended to the matriculation standard. These are under consideration at present.

Dr. Ziauddin Ahmad: Is it not a fact that matriculation is the minimum qualification for most of the employments in the Railway Department, and, in view of this fact, is it not desirable to give aid up to the matriculation standard?

Mr. P. R. Rau: I have just informed the House that representations have been made to the Railway Board that the period should be extended to the matriculation standard and that these are under consideration at present.

Dr. Ziauddin Ahmad: In view of the fact that the matriculation is the minimum standard, will the Railway Board consider the question sympathetically?

Mr. P. R. Rau: That is one of the circumstances which will be taken into consideration.

UNDERTAKING OF HONORARY WORK BY GOVERNMENT SERVANTS.

7. ***Mr. S. G. Jog:** (a) With reference to the reply given to unstarred question No. 174 of 21st November, 1933, regarding undertaking of honorary work by Government servants, will Government be pleased to state whether any honorary or remunerative work in, or connected with, any recognised or unrecognised institution, Union, Company or Association, comes within the purview of the public duties of a Government servant? If not, why not?

(b) What are the public duties of a Government servant under the Government Servants' Conduct Rules?

(c) Are attending of public meetings, at homes, teas, garden parties, dinners, etc., also part of his public duties?

The Honourable Sir Harry Haig: (a) I would refer the Honourable Member to Rule 15 of the Government Servants' Conduct Rules.

(b) The public duties of a Government servant are not defined under the Government Servants' Conduct Rules.

(c) I should hesitate to lay down any rule as to where pleasures end and duties begin.

ARTISTS FOR THE MURAL DECORATION IN THE INDIA HOUSE, LONDON.

8. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state how many artists have been paid during the current year for making their contribution to mural decoration in the India House, London?

(b) How many of them were Indians? ;

(c) What amounts were paid to them?

The Honourable Sir Frank Noyce: (a) Two.

(b) Both are Indians.

(c) The information has been called for from the High Commissioner for India, London, and will be laid on the table of the House when received.

EXCLUSION OF BOMBAY ARTISTS FROM MURAL DECORATION IN THE INDIA HOUSE, LONDON.

9. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the reasons for the exclusion of Bombay artists from mural decoration in the India House, London?

(b) Are Government aware of the public meeting held on the 21st December under the presidentship of Sir Pheroz Sethna in this connection?

The Honourable Sir Frank Noyce: (a) The attention of the Honourable Member is invited to my reply to starred question No. 1222 asked by Sir Cowasji Jehangir on the 29th November last, and to the supplementary questions and answers, which followed on that reply.

(b) Yes.

REVISION OF THE PAY OF THE INDIAN CIVIL SERVICE AND OF THE INDIAN POLICE SERVICE.

10. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state whether the question of revising the pay of the Indian Civil Service and Indian Police, as far as it affects the new entrants, has yet been decided or not?

The Honourable Sir Harry Haig: No, Sir. There has been some unexpected delay in formulating the conclusions of the Government of India, and the Secretary of State has not yet been addressed.

Mr. M. Maswood Ahmad: Will Government be pleased to state what further time they will take in regard to this matter?

The Honourable Sir Harry Haig: Well, Sir, I hesitate to prophesy. When this question was raised last Session, I said that I hoped we should address the Secretary of State very shortly. That expectation has unfortunately been disappointed; but unless some further complication arises, I do hope that we shall get off our recommendations to the Secretary of State before long.

TELEGRAMS WITHHELD IN 1933.

11. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state:

- (i) how many telegrams were withheld in 1933;
- (ii) whether the senders and the addressees were informed or not;
- (iii) whether the charges of the telegrams withheld were refunded to the senders or not?

The Honourable Sir Frank Noyce: (i) The number of telegrams withheld during 1933 was 525.

(ii) The senders were informed in cases in which telegrams were withheld under the Indian Telegraph Rules 15 and 180.

(iii) The charges of pre-paid telegrams were refunded to the senders if withheld under the Indian Telegraph Rules. In other cases refunds were granted on application from the senders.

COMMITTEE FOR DELIMITING THE CONSTITUENCIES IN INDIA.

12. ***Mr. M. Maswood Ahmad:** Is it a fact that no committee to delimit the constituencies in India has yet been appointed?

The Honourable Sir Brojendra Mitter: The reply is in the affirmative.

NON-DELIVERY OF A CABLEGRAM ADDRESSED TO MR. GANDHI FROM THE EDITOR, THE *UNITED INDIA*, LONDON.

13. ***Mr. M. Maswood Ahmad:** Is it a fact that a cablegram addressed to Mr. Gandhi containing only good wishes sent on July 31 by the Editor, the *United India*, London, was not delivered?

The Honourable Sir Frank Noyce: There is no record of any message of the description given by the Honourable Member having been intercepted.

DISCONTINUANCE OF THE GRANT TO PROVINCIAL GOVERNMENTS FROM THE SALT TAX.

14. ***Mr. M. Maswood Ahmad:** Is it a fact that Government intend to discontinue the grant to Provincial Governments from the Salt Tax?

The Honourable Sir George Schuster: The Government of India have no such intention so long as the additional tax on imported foreign salt continues.

ALLOCATION OF POSTS IN HIGHER SERVICES BETWEEN THE VARIOUS COMMUNITIES.

15. ***Sirdar Harbans Singh Brar:** Have the Government of India in the Home Department received a copy of the following resolution of the Khalsa Darbar, dated the 3rd December, 1933? If so, what action do they propose to take in the matter?

"The Khalsa Darbar views with grave concern the policy of the Government of India in the matter of allocation of posts in higher services between the various communities as disclosed in the recent confidential circular.

The Darbar urges upon the Government of India to guarantee adequate representation to the Sikhs in the higher services, as in the cases of Europeans and other important minority communities."

The Honourable Sir Harry Haig: A copy of the resolution in question was received in the Home Department. I lay on the table a copy of the reply sent to the Khalsa Darbar.

Copy of a letter No. F.-14/19/33-Ests., dated the 15th December, 1933, from the Government of India, Home Department, to the General Secretary, Khalsa Darbar, Lahore.

I am directed to acknowledge the receipt of your un-dated letter forwarding a copy of a resolution passed by the Khalsa Darbar, Lahore, on the 3rd instant, in which Government is asked to guarantee the Sikh community adequate representation in the higher services.

2. In reply, I am to say that the Government of India have not recently issued any orders on the subject whether confidential or otherwise, and that the claim of the Sikh community, as of other important minorities, to proper representation in the services under their control will continue to be borne in mind as at present.

REFUSAL BY THE CEYLON STATE COUNCIL TO GRANT PREFERENCES TO CERTAIN ARTICLES UNDER THE OTTAWA AGREEMENT.

16. ***Mr. F. E. James:** (a) With reference to the answer to starred question No. 829, given on the 21st March, 1933, by the Honourable the Commerce Member, will Government kindly state whether any further action has been taken with reference to the action of the Ceylon State Council, in refusing to grant preferences to certain articles contained in Schedule E of the Ottawa Agreement, and in refusing a margin of preferences to others?

(b) Will Government please state the result of the visit of the Minister of the Ceylon Government to India in the early part of 1933?

(c) In view of the importance of reciprocity in trade between India and Ceylon, do Government propose to consider the advisability of taking early steps to obtain preferences for certain classes of Indian goods in the market of Ceylon?

The Honourable Sir Joseph Bhore: (a), (b) and (c). Negotiations for mutual tariff preferences between Ceylon and India are still proceeding.

NON-DELIVERY OF A CABLEGRAM ADDRESSED TO MR. GANDHI FROM THE EDITOR, THE UNITED INDIA, LONDON.

17. ***Mr. Gaya Prasad Singh:** Is it a fact that a cablegram addressed to Mahatma Gandhi, containing only good wishes, sent on July, 31st last, by the Editor of the *United India*, London, was not allowed to be delivered? If so, where was it held up, and why? What is the text of the cablegram; and have the charges been refunded? What was the amount?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply I have just given to the starred question No. 13 by Mr. M. Maswood Ahmed.

REFUSAL BY POSTAL AUTHORITIES TO REGISTER THE *KHADI JEWAN*, A MAGAZINE PUBLISHED IN UJJAIN.

18. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that a monthly magazine, called *Khadi Jewan*, is being published in Ujjain (C. I.), for the last four years with the sole object of popularising the use of Khadi or Khaddar cloth?

(b) Is it a fact that this paper has been refused registration by the postal authorities, with the result that it has to pay a higher rate of postage than other registered papers? If so, why has recognition been withheld from this paper? Do Government propose to take any steps in this matter?

The Honourable Sir Frank Noyce: (a) and (b). Government are not in possession of the precise information referred to by the Honourable Member; but an application, dated the 10th February, 1930, for the registration of the *Khadi Jewan*, a newspaper published at Ujjain in the Gwalior State, was received in the office of the Postmaster-General, Central Circle from the Manager, Gwalior State Khadi Sangh, Ujjain, but as it did not satisfy the conditions prescribed in clause 75 (1) (a) of the Post and Telegraph Guide, the paper was not granted the privilege of a registered newspaper.

Government do not propose to take any action in the matter.

Mr. Lalchand Navalrai: May I know what are the conditions that were not complied with?

The Honourable Sir Frank Noyce: The main condition that was not complied with was that the application required the support of the Resident in the Gwalior State.

Mr. Lalchand Navalrai: Was the applicant informed of that?

The Honourable Sir Frank Noyce: That I do not know.

Mr. Lalchand Navalrai: Will the Honourable Member see that the information is given?

The Honourable Sir Frank Noyce: This happened as long ago as 1930 and I should imagine that the applicant knows all the circumstances by this time.

Mr. Lalchand Navalrai: I am talking for future cases.

DISTRIBUTION OF THE MOHAN-JE-DARO RELICS.

19. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they have distributed the "Mohan-je-Daro" relics?

(b) If so, how many and which finds have been given away to the British Museum in London?

(c) Have any such relics been removed to the Central Museum at Delhi? If so, how many and which?

(d) Have any such relics been sent or are intended to be sent to the Municipal Museum, Karachi? If so, how many and which?

(e) If the distribution has taken place, who was responsible for the actual distribution being made?

(f) Were any Members of the Legislature or of any committee constituted under the Ancient Monument Act consulted? If not, why not?

Mr. G. S. Bajpai: (a) to (f). So far there has been no distribution of the Mohan-je-Daro relics. They are kept in the permanent local museum

which has been established at Mohan-je-Daro. The question, whether duplicates, of which the number is considerable, should be lent to important museums in India is being considered. The claims of Karachi will receive careful consideration.

Mr. Lalchand Navalrai: Who is considering them?

Mr. G. S. Bajpai: The Director-General of Archæology in consultation with Government.

Mr. Lalchand Navalrai: Will the Committee which has been appointed under the Monuments Act be consulted?

Mr. G. S. Bajpai: No Committee has been appointed yet, but when it is appointed it will certainly be consulted.

Mr. Lalchand Navalrai: May I know if, until this Committee is appointed, some Members of this House are going to be consulted?

Mr. G. S. Bajpai: That is a suggestion which I am prepared to pass on to the Director-General. We have not yet reached the stage of deciding the distribution of the relics.

Mr. Muhammad Yamin Khan: Will it not be feasible to bring these relics to Delhi instead of keeping them in such an out-of-the-way place as Mohan-je-Daro?

Mr. G. S. Bajpai: The position is that the Government of India decided some time ago that relics of this kind discovered in a particular place shall, in order to be appreciated in a proper focus, be kept near the site of excavation as far as possible. That is why there is a special museum at Taxila and there is also a museum at Mohan-je-Daro. But when there are a number of duplicates available, the question of distribution to important centres such as Calcutta or Delhi is also favourably considered.

STOPPAGE OF FURTHER EXCAVATIONS AT MOHAN-JE-DARO.

20. ***Mr. Lalchand Navalrai:** Have Government decided to stop further excavations at 'Mohan-je-Daro'? If so, do they propose to ask any American, British, continental or Indian society, interested in such work, to carry on the explorations? If not, do Government propose to continue the work?

Mr. G. S. Bajpai: Owing to reduction in the departmental budget as a measure of economy, excavation work has had to be drastically reduced. No excavation was done at Mohan-je-Daro in 1932-33. The Director-General of Archæology in India is doing some on a modest scale this year. This it is intended to continue to the extent that the reduced resources of the Department permit. If any foreign or indigenous private society of recognised standing wishes to supplement the activities of the Department its offer will be carefully considered.

Mr. Lalchand Navalrai: May I know if the object of the amendment of the Monuments Act was to allow outside societies to work it if Government are not able to do it? Have Government done anything in that direction?

Mr. G. S. Bajpai: The object of the amending Act undoubtedly was to enable private societies to undertake excavation. But it was not the object of that Act that the Government of India should solicit aid from outside.

Mr. Lalchand Navalrai: If Government want outside societies to take up this work, have they advertised it? Otherwise, how are people going to know about it?

Mr. G. S. Bajpai: Government do not consider it necessary to advertise for applications for excavation, because the discoveries at Mohan-je-Daro and Harappa are well known to those who are interested in this subject.

Mr. Lalchand Navalrai: But this is a new thing where Government are making explorations; and since the amending Act was passed, it has been the desire of Government to see that outside societies do it. So is it not necessary that some information should be given to them so that they may come in?

Mr. G. S. Bajpai: I think my Honourable friend will appreciate the fact that what is known to people is not new to them.

DISTRIBUTION OF MOHAN-JE-DARO RELICS.

21. ***Mr. Lalchand Navalrai:** Will Government be pleased to state if the distribution of the relics of 'Mohan-je-Daro' has been made and whether the articles were delivered on some payment or compensation, even nominal or without any charge? If the latter, why?

Mr. G. S. Bajpai: I would invite the Honourable Member's attention to the reply I have given to question No. 19.

RESULT OF THE INDO-JAPANESE NEGOTIATIONS.

22. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state the result of the Indo-Japanese trade negotiations?

The Honourable Sir Joseph Bhore: The Honourable Member is referred to the record of the proceedings of the meeting between the Japanese and Indian Delegations held on the 5th January, 1934, which has been published in the Press, and a copy of which is in the Library of the House.

Mr. B. Das: May I inquire if the Honourable Member is satisfied with the Indo-Japanese agreement?

Mr. President (The Honourable Sir Shanmukham Chetty): That is asking for an expression of opinion.

Mr. B. Das: May I inquire if the Honourable Member's attention has been drawn to the wail of the Bombay Millowners that the Indo-Japanese agreement is not satisfactory to the Bombay City?

Mr. H. P. Mody: We have said nothing of the sort yet. (Laughter.)

The Honourable Sir Joseph Bhore: My Honourable friend will have an opportunity of considering this wail very shortly when we consider the proposals we shall bring forward in regard to textiles.

Dr. Ziauddin Ahmad: Will the whole agreement be laid before the Assembly for ratification?

The Honourable Sir Joseph Bhoré: I myself had contemplated that the Indo-Japanese agreement could be most properly discussed on the occasion of the discussion of the Bill in regard to textiles which will incorporate its relevant provisions so far as duties are concerned and which I hope to bring forward some time next month.

Mr. S. O. Mitra: May we expect to get a copy of the Tariff Board Report on these matters circulated before that date comes?

The Honourable Sir Joseph Bhoré: I certainly hope so.

Mr. N. M. Joshi: May I ask whether the approval of this House will be sought by a definite vote?

The Honourable Sir Joseph Bhoré: I do not think that it is customary to obtain the previous approval of the Legislature before an agreement of this description is signed; but the Legislature has it in its power to agree to or to refuse to agree to such matters as require legislative sanction before the agreement can be put into force.

Sir Abdur Rahim: Is it a fact that the agreement will be signed in Britain and not in India? I saw some report like that in the newspapers: if so, I should like the Honourable Member to tell us the reason why.

The Honourable Sir Joseph Bhoré: I think that, following normal custom in this matter, the formal treaty will undoubtedly be signed in London.

Sir Abdur Rahim: It is only a commercial agreement: it is not a political treaty?

The Honourable Sir Joseph Bhoré: It is a commercial treaty with a foreign power; and, as my Honourable friend is aware, under the Constitution as it stands, only His Majesty's Government has the power to enter into such agreements or treaties on behalf of India.

Mr. B. Das: Is it not a fact that the dominions constituting the members or units of the British Commonwealth have exercised the function of entering into commercial agreements with other sovereign States?

The Honourable Sir Joseph Bhoré: I have no doubt that when India becomes a dominion, she will also exercise that power.

Sir Abdur Rahim: Will the agreement be subjected to any sort of modification by Britain or will it be accepted as it has been entered into here?

The Honourable Sir Joseph Bhoré: As far as I am aware, there will be no modification of substance in the agreement whatsoever.

Mr. S. O. Mitra: Is not India an original member of the League of Nations and as such has it not got its own status?

The Honourable Sir Joseph Bhoré: India is undoubtedly an original member of the League of Nations, but you cannot get away from the Constitution as it stands today.

Dr. Ziauddin Ahmad: Will this House have an opportunity to discuss the agreement as a whole or only such portion of it as involves fresh taxation?

The Honourable Sir Joseph Bhoré: My Honourable friend can discuss the agreement at any time during the budget discussion.

Mr. M. Maswood Ahmad: Is it a fact that Government had received certain instructions from the Home Government in this connection?

The Honourable Sir Joseph Bhoré: No; certainly not.

Mr. M. Maswood Ahmad: In view of the fact that this matter has to be discussed in future, is it not desirable to circulate a copy of the agreement to the Members before introducing that Bill?

The Honourable Sir Joseph Bhoré: I can assure my Honourable friend that Members will be in possession of all relevant papers before they are asked to partake in any discussion in this House.

Mr. S. C. Mitra: May we take it that the Government of India were absolutely free in these negotiations without being put to any pressure from the British Government.

The Honourable Sir Joseph Bhoré: Absolutely.

Mr. B. Das: Is it not a fact that, at the Imperial Economic Conferences, India is treated as a unit member of the British Commonwealth of Nations and has equal status with the other dominions?

The Honourable Sir Joseph Bhoré: I am afraid that I cannot go into discussions on the constitutional position and status of India.

Mr. N. N. Anklesaria: Is any harm likely to be done by the agreement being signed in England rather than in India?

The Honourable Sir Joseph Bhoré: Not that I am aware of, for the simple reason that the agreement, as it stands, will not be modified in any substantial detail.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this agreement will be signed in England with the modifications that this House makes?

The Honourable Sir Joseph Bhoré: I am not aware that this House is going to make any modifications.

Mr. Lalchand Navalrai: The Honourable Member should know that when the agreement is before us we are supposed to consider it and to make certain modifications which may be necessary: therefore, I am asking whether any modifications made by this House will be carried out before it is signed.

The Honourable Sir Joseph Bhore: It is not open to this House to make any modifications in the treaty: it is open to this House to refuse to give sanction to any legislative proposals that need its approval.

Mr. Lalchand Navalrai: Will they not be modifications?

The Honourable Sir Joseph Bhore: Yes: if the Legislature refuses to sanction any proposal of that description, then obviously to that extent the agreement will not be capable of being carried out.

Mr. N. M. Joshi: May I ask whether the agreement will be signed by the High Commissioner for India or by the Secretary of State for India?

The Honourable Sir Joseph Bhore: I am afraid I cannot give any information on that point.

Mr. N. M. Joshi: May I ask whether the Honourable Member will inquire as to what they propose to do in this matter?

The Honourable Sir Joseph Bhore: Certainly: as soon as I get information, I shall let Honourable Members know.

ECONOMIC DEPRESSION IN EAST AFRICA.

23. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to the statement of Mr. Biharilal Anantani, Editor, *Zanzibar Voice*, East Africa, published in the issue of the *Sind Observer* of the 31st December, 1933, drawing attention to the economic depression hitting hard the Indian community in all the provinces in East Africa, and demanding introduction of the principle of election in the Legislative Council?

(b) What steps do Government propose to take to strengthen the right of the aforesaid demand on behalf of Indians in Zanzibar?

Mr. G. S. Bajpai: (a) and (b). Government have seen the newspaper report referred to by the Honourable Member. The Legislative Council of Zanzibar includes six nominated non-officials of whom two are Indians. The Government of India have received no representations from the Indian community of the Island asking for a change in the method of representation. If such representations are received, they will be considered.

Mr. Lalchand Navalrai: Have the Government of India considered whether they should help the Indians there for getting election?

Mr. G. S. Bajpai: I have said in the course of my reply that the Government of India have not been asked by the Indians of Zanzibar to press for election.

Mr. Lalchand Navalrai: Now that the Honourable Member knows, from me at least (Laughter), that certain representations have been received from them, I am asking whether Government will be in a mood to consider the question of their getting election and helping them to get it.

Mr. G. S. Bajpai: I recognise that my Honourable friend's authority on all questions is great, but, in matters of this kind, I think that those who are intimately concerned, namely, the Indians in Zanzibar,—their wishes have to be ascertained first and they must prevail.

RESTRICTIONS IMPOSED ON MR. A. I. QURESHI AT DURBAN.

24. *Mr. Gaya Prasad Singh: (a) Are Government aware that (i) Mr. A. I. Qureshi, a graduate of the University of London, and who has been awarded a special research scholarship by the University Bureau of the British Empire, was not allowed to land in Durban till he had submitted to the restrictions imposed on coloured persons entering the Union of South Africa; (ii) he was checked from journeying in the train save in the compartment specially reserved "for coloured persons"; (iii) he was refused admission to cinemas, hotels and restaurants; and (iv) in all public conveyances he was refused refreshment, and carefully segregated from contact with Europeans?

(b) Are Government aware that Mr. Qureshi was furnished with letters of introduction by Lord Bledisloe, Governor-General of New Zealand, to Earl Clarendon, and General Smuts?

(c) Do Government propose to enquire into the above allegations and inform this House of the result?

Mr. G. S. Bajpai: (a), (b) and (c). As the Honourable Member is aware, non-Europeans are ordinarily subject to the disabilities mentioned in part (a) of his question. In special cases, exemption may be secured through the intercession of the Agent of the Government of India in South Africa. Mr. Qureshi, however, did not apprise him of his visit to the Union. The facts stated by the Honourable Member are probably correct; no inquiry is therefore necessary.

Mr. Lalchand Navalrai: Are there any coloured carriages there for coloured people separately?

Mr. G. S. Bajpai: They are coloured, but the colour is uniform.

PROPOSAL OF MAKING OVER SIALKOT TO AN OUTSIDE AUTHORITY.

25. *Mr. Gaya Prasad Singh: Is there any proposal to make over Sialkot, or any other portion of the Punjab in British India to any outside authority? If so, what exactly is the nature of the proposal?

The Honourable Sir Harry Haig: No such proposal is under consideration.

CRITERION OF EFFICIENCY FOR PROMOTION ON THE NORTH WESTERN RAILWAY.

26. *Mr. Jagan Nath Aggarwal: (a) How many Indian, European and Anglo-Indian subordinates have officiated as Assistant Commercial Transportation and Personnel Officers, on the North Western Railway from August 1931, upto now?

(b) How many European and Anglo-Indian subordinates on the North Western Railway, who have not crossed the efficiency bar, have been allowed during the last three years to supersede Indians who have crossed that bar, and why?

(c) What is the criterion of efficiency for promotion from subordinate service to lower gazetted service?

(d) Is preference given for promotion to and confirmation in lower gazetted service to a subordinate who officiated longer in the Local Traffic Service over those who have officiated for lesser periods? If not, why not? Were there cases in which this principle was not observed? If so, why?

Mr. P. R. Rau: I have called for information and will lay a reply on the table in due course.

PARTICIPATION OF INDIAN SHIPPING IN THE COASTAL AND OVERSEAS TRADE OF INDIA.

27. *Dr. Ziauddin Ahmad: (a) Will Government be pleased to state the measures which they have taken, or propose to take in the immediate future, as promised in their reply to question No. 782, dated the 11th September, 1933, regarding participation of Indian Shipping in the coastal and overseas trade of India?

(b) Are Government aware that the four smaller steamship companies are on the verge of being wiped out on account of the tariff and freight war waged by bigger companies?

(c) Are Government aware that some negotiations were made between the British India and the Scindia Steam Navigation Companies only, and that the smaller companies were left out altogether?

(d) If the reply to part (c) be in the negative, are Government prepared to obtain a copy of the agreement arrived at between the two companies mentioned in part (c), above and lay the same on the table of this House?

The Honourable Sir Joseph Bhoré: (a) No specific promise was made in reply to the question referred to by the Honourable Member. The attitude of Government towards the question of the development of an Indian Mercantile Marine has, however, been fully explained on several occasions in the past in reply to questions asked in this House. The attention of the Honourable Member is particularly invited to the replies given to the questions asked on the subject by Mr. K. C. Neogy as recently as the 1st December, 1933, and to the supplementary questions arising therefrom.

(b) and (c). The Honourable Member is referred to the reply given by me to question No. 1277 asked by Mr. Neogy on the 1st December, 1933, and to the supplementary questions arising in that connection.

(d) No. I would invite the Honourable Member's attention to the reply given by me to a supplementary question asked by Mr. Neogy on the 1st December, 1933, in connection with his question No. 1276.

UNSTARRED QUESTIONS AND ANSWERS.

ASSISTANT ACCOUNTS OFFICERS IN THE AUDITOR GENERAL'S OFFICE.

1. Mr. M. Maswood Ahmad: Will Government be pleased to state how many of the Assistant Accounts Officers in the Auditor General's Office have got more than 30 years' service?

The Honourable Sir George Schuster: One.

RESTRICTION AND CURTAILMENT IN THE NUMBER OF PASSES ON STATE RAILWAYS.

2. Mr. M. Maswood Ahmad: (a) Is it a fact that the officials holding certain high posts on State Railways have the privilege of enjoying the grant of free passes for themselves and their families?

(b) Is it also a fact that these concessions have been restricted and cut down to nearly 90 per cent.?

(c) Is it a fact that the employees when they entered the service had the contract to enjoy these privileges during the term of their services? If so, what is the reason for reducing the number of passes?

(d) Are Government prepared to consider the desirability of restoring these privileges, at least in the case of old employees?

Mr. P. R. Rau: (a) Permanent employees of railways, whether officers or subordinates, are allowed a certain number of free passes for themselves and their families. The concession is not restricted to officials holding high posts.

(b) Restrictions were recently imposed on the number of passes admissible to officers on the analogy of the restriction that has always been applicable to passes for subordinates. Officers were previously eligible for an unlimited number of passes, and it is not possible to estimate the reduction in terms of percentages.

(c) The reply to the first part is in the negative. The reason for imposing the restriction was that Government considered that the unlimited concession previously given was too liberal.

(d) Certain representations on this subject have been made and are at present under the consideration of the Railway Board.

RESTRICTION OF OVERSEAS PASSAGES TO EUROPEANS UNDER THE LEE CONCESSIONS.

3. Mr. M. Maswood Ahmad: (a) Is it a fact that along with the restriction of passes on State Railways, overseas passages granted to Europeans under the Lee Concessions have not been curtailed?

(b) If so, do Government propose to consider the desirability of restricting them, too, proportionately? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) No. There is no analogy between the two.

RACIAL DISCRIMINATION IN THE ADMISSION OF INDIANS TO THE RAILWAY SOCIAL CLUBS OR INSTITUTES.

4. Mr. M. Maswood Ahmad: (a) Is it a fact that the railway social clubs or institutes are maintained from the fines which are realised mostly from Indians?

(b) Is it also a fact that European and Anglo-Indian Employees irrespective of their rank in the railway service, are allowed admission to these clubs and institutes, while Indians even of higher status and rank are refused admission to them?

(c) If the answer to parts (a) and (b) be in the affirmative, do Government propose to remove this racial discrimination especially when Anglo-Indians are claiming the rights of Indians?

Mr. P. B. Rau: (a) Social Clubs and Institutes on Railways are mainly maintained by the subscriptions of the members but are assisted by grants from Staff Benefit Funds. These funds are built from fines and forfeited bonuses of subordinate staff and also from contributions from Railway Revenues.

(b) and (c). A full statement of the existing position is contained in the memorandum furnished by the Railway Board to the Royal Commission on Labour which is published in Volume VIII, Part I, of the evidence taken by them. I would refer the Honourable Member to pages 72 to 74 thereof.

RETRENCHMENT ON THE STATE AND COMPANY-MANAGED RAILWAYS.

5. **Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the number of Europeans and Indians, separately, who have been retrenched in the (i) higher, (ii) subordinate, and (iii) menial services, on (i) State Railways, and (ii) Company-managed Railways?

(b) Is it the policy of railway administrations to reduce only those posts which are held by menials and subordinates?

(c) If so, are Government prepared to consider the desirability of reducing higher railway posts also at the time of making retrenchments and not to reduce only the menial and subordinate posts?

Mr. P. B. Rau: (a) The information available with Government is as follows:

(i) State-managed Railways—

	Number retrenched up to 15th September, 1932.	
	Europeans.	Indians.
Officers	19	32
Subordinates and others	160	31,228

(ii) Company-managed Railways—

	Number retrenched or permitted to retire voluntarily up to 1st December, 1932.	
Officers	19	(includes one reduced).
Subordinates	1,494	
Inferior staff	3,007	
Workshop staff	3,531	

Information as regards the number of Europeans included in these figures is not readily available.

(b) No.

(c) The possibility of reducing higher posts also is always carefully considered by Government when there is a necessity for retrenchment.

INDIAN AND EUROPEAN RAILWAY SCHOOLS.

6. **Mr. M. Maswood Ahmad:** (a) Will Government please state:

- (i) the expenses incurred by each State Railway, separately on the Indian and European schools;
- (ii) the number of students in each school;
- (iii) the expenses incurred on each student; and
- (iv) the percentage of expenditure on Indian and European schools?

(b) Are Government prepared to consider the desirability of closing down the schools where the number of students does not allow the relative expenses in these days of economic depression and economy?

Mr. P. R. Rau: I have called for information and will lay a reply on the table in due course.

ASSISTANCE FOR CHILDREN OF INDIAN RAILWAY EMPLOYEES RECEIVING EDUCATION IN THE ALIGARH MUSLIM AND BENARES HINDU UNIVERSITIES.

7. **Mr. M. Maswood Ahmad:** (a) Is it a fact that a fixed assistance is given to the children of the European and Anglo-Indian employees, even if they receive their education in outside European schools, such as, Oakgrove School, instead of local schools?

(b) Is it also a fact that the children of Indian employees are denied this assistance if they join other institutions other than local ones?

(c) If the answers to parts (a) and (b) be in the affirmative, do Government propose to consider the desirability of giving assistance to the children of those Indian employees who join the Aligarh Muslim University and the Benares Hindu University? If not, why not?

Mr. P. R. Rau: (a) and (b). I understand that, prior to the introduction of the new rules for educational assistance to Railway employees in 1930, such assistance was generally given on the State-managed Railways. On the Great Indian Peninsula Railway such assistance was given to Indians as well as to European employees. Under the new rules which were introduced in 1930 assistance is limited to those cases where an employee is compelled to send his children to a boarding school away from the station at which he is posted, owing to the absence of a school of the requisite standard at the station at which he is posted. There is no distinction made in this respect between European, Anglo-Indian and Indian employees under the new rules. Staff in service at the time of the introduction of the new rules and who joined service on State-managed Railways before the 1st February, 1929, were allowed the option of coming

under the operation of the new rules, or of receiving assistance on the scales, terms and conditions to which they were eligible prior to the introduction of these rules.

(c) No. Under the new rules assistance is limited to education for the period covered by primary and middle standards.

STOPPAGE OF INCREMENTS OF CERTAIN CLERKS IN THE ACCOUNTS DEPARTMENT, EAST INDIAN RAILWAY.

8. Mr. S. G. Jog: With reference to the reply to unstarred question No. 205 of the 21st November, 1933, regarding stoppage of increments of certain clerks in the Accounts Department, East Indian Railway, will Government be pleased to lay on the table a copy of the order referred to in part (d) of the said question? If not, why not?

Mr. P. R. Rau: Government are not prepared ordinarily to place on the table of the House copies of departmental instructions. I may state, however, for the Honourable Member's information that the instructions to the Chief Accounts Officer, East Indian Railway, were to fix the pay of the clerks in question on the 1st January, 1929, at what it was on the 31st December, 1928, their next increment falling due on the same date as in the old scale.

FLYING OF THE UNION JACK.

9. Raja Bahadur G. Krishnamachariar: (a) Has the attention of Government been drawn to the reply of the Earl of Crewe regarding the flying of the Union Jack by British subjects, reported in the *London Times* of July 15, 1908, and reproduced in *The Times Weekly* edition of the 29th June, 1933?

(b) Do Government agree with the opinion expressed by the Earl of Crewe? If so, is there any objection to any Indian subject of His Majesty flying the Union Jack on the top of his house at any time he liked?

(c) Are Government aware that banks, commercial houses and some public offices fly the Union Jack on Sundays and public holidays?

(d) Is this privilege confined to or conferred only on institutions of the above kind? If so, are there any orders of Government relating thereto?

(e) Are Government aware that miniature Union Jacks used as mascots in motor cars are objected to by the police on duty on the roads, especially when such flags are used on cars owned by Indians?

(f) Do Government consider the using of the Union Jack as a mascot on motor cars illegal or objectionable? If not, do Government propose to issue instructions to the Police Department informing them that Government have no objection to such flags being used as mascots?

The Honourable Sir Harry Haig: (a) to (d). The Union Jack may be flown by any Indian subject of His Majesty.

(e) and (f). A miniature Union Jack is used as a distinguishing mark on the motor cars of certain high officials, and the use by other persons whether British or Indian of what is intended to be a distinguishing mark is naturally not desirable.

SHORT NOTICE QUESTION AND ANSWER

DAMAGE CAUSED BY THE EARTHQUAKE IN NORTH BIHAR AND RELIEF MEASURES TAKEN BY GOVERNMENT.

Mr. Gaya Prasad Singh: (a) Will Government be pleased to make a statement on the subject of the recent terrible earthquake in North Bihar, with particular reference to the following points?

- (i) the number of deaths, and injured; the approximate amount of loss to properties in the various towns and districts affected, separately;
- (ii) the kind and extent of relief measures undertaken to cope with the disastrous consequences of this unprecedented calamity;
- (iii) whether the Government of India propose to supplement the efforts of the Local Government in the matter of financial or other assistance to the distressed and homeless people?

(b) Do Government propose to consider the necessity of recommending the remission of portions of Government demands in the affected area?

The Honourable Sir Harry Haig: I am glad to have an opportunity of placing before the House the information in regard to this terrible calamity at present in our possession. I am afraid it is not possible for me to give as definite a reply to all the points raised in this question as I should wish. It will be recognised that the breakdown of communications, both by telegraph, railway and road, makes it impossible to give any accurate estimate of the damage in outlying centres; while even in the towns principally affected, Monghyr, Muzaffarpur and Darbhanga, the total death roll cannot be accurately given until the debris of the fallen houses has been removed. I understand that outside the three large towns the total deaths are estimated to be approximately 700, and His Excellency Sir James Sifton in his recent speech said that he hoped the number of deaths in the whole province may be found not to have exceeded 4,000. As regards the number injured, I regret no figures are available, but the Government of Bihar and Orissa and their local officers have taken all possible steps to make medical aid available to those injured in this catastrophe. Still less is it possible to give at this stage even an approximate estimate of the total material damage. In the three principal towns in the affected area of North Bihar, which corresponds to the major part of the districts of Champaran, Muzaffarpur and Darbhanga, as well as in the town of Monghyr and its suburb Jamalpur on the south of the Ganges, it is estimated that not less than half the brick houses have been reduced to ruins or are standing in such a dangerous state as to require demolition. It is fortunate that in the villages the destruction of house property was less. The ordinary ryots' houses built of mud and wattle with thatch or lightly tiled roofs did not suffer so severely, the damage being caused mainly to the brick built houses of the more well-to-do. Great damage has been done to communications both by road and railway; in many places roads have been badly broken and in places obliterated, while bridges have been destroyed or

rendered unsafe. The general position, as far as can be at present estimated to property, may be described as follows:

(1) Destruction of Government buildings, such as courts, offices, residences, etc. No estimate can be framed of the total cost of replacement or repairs of these buildings, but His Excellency the Governor has stated that in one town alone Government buildings of the value of Rs. 30 lakhs are said to be in ruins. There is also the very severe damage done to the Railways, and in particular to the East Indian Railway Settlement and Workshops at Jamalpur as well as to the Bengal and North Western Railway, which serves the affected area of North Bihar. The expenditure necessary to repair the damage at Jamalpur is estimated at not less than Rs. 50 lakhs.

(2) Local Bodies (District Boards and Municipalities) have also suffered heavy loss owing to the destruction of dispensaries, hospitals and schools, as well as owing to the damage done to roads and bridges.

(3) Of the total damage caused to private property in towns, it is impossible to give any estimate, but, as I have stated before, the total destruction of houses in Monghyr and the three chief towns of North Bihar is very heavy.

(4) It is also not possible to give even an approximate estimate of the damage to agricultural lands. In some places grey mud and sand has erupted, and to what extent this will affect the future fertility of the land cannot at present be estimated. Nor is it possible to give an estimate of the damage to standing crops. It appears that greater damage has been done to the low lying lands and the damage to the rabi crops growing on these lands is the more serious in view of the fact that in much of the affected area the paddy crops had been destroyed by floods. The most serious blow to the cultivators at the moment probably arises from the destruction of sugar factories. As His Excellency the Governor has pointed out, the three districts affected contain about 200,000 acres under sugar cane producing $2\frac{1}{2}$ million tons of cane; at least half of the mills which deal with the cane have been put out of action. This creates a serious problem, for the cultivators are thus deprived to a large extent of the market for what is the most profitable crop in this area.

Such being the extent of the disaster, as at present estimated, I now turn to the relief measures, and I take this opportunity of paying a tribute, which, I trust, the House will fully endorse, to the Government of Bihar and Orissa and to their officers for the steps which they have taken to meet this unprecedented calamity. (Applause.) I understand that in the towns, such as Darbhanga and Motihari, which, for several days, were isolated from communication with the outside world, the local officers without any outside help at once organised relief for the afflicted population and took steps to control the supply of the necessities of life to the population. The most immediate needs of the stricken towns were the supply of medical relief, the supply of shelter and protection against the cold, the provision of adequate water supply, the organisation of supplies of food and other commodities and the removal of ruined houses. In the whole area it was urgently necessary to restore communications both by rail and road to enable the outlying centres to obtain supplies and cultivators to market the crops which have survived. It was also necessary to take prompt steps to prevent any outbreak of looting in the affected towns. To meet the latter possibility, police were promptly drafted to the area and it is satisfactory to note that there have been no signs of disorder or looting. As regards

medical relief, I can only quote instances of what has been done; nine doctors were at once sent to Monghyr when the first call for assistance came, and doctors and medical students have been sent to Muzaffarpur, Darbhanga and Motihari. Other doctors are available and will be sent to mufassil areas as soon as communications enable them to get there. The Red Cross and other charitable organisations have also assisted in this work. In Muzaffarpur, for example, 12 relief centres and four sanitation centres have been opened and areas have been prepared for refugee camps. The problem of providing accommodation for the houseless population has been facilitated by the supply of tents by the Army, and I must mention in this connection the very prompt and generous help given by Messrs. Tata Iron and Steel Company, to the town of Monghyr, by despatching a special train with iron sheets and foodstuffs together with officers and mechanics to erect shelter. I understand that the arrangements in Monghyr for the relief of the temporary needs of the stricken population are in such good order now that special officers deputed to assist from Patna have returned.

I have referred to the assistance given by the Army by the supply of tents. I may add that His Excellency the Commander-in-Chief, as soon as the extent of the disaster was known, at once offered to give any assistance that was possible from the resources of the Army, an offer that was immediately and gratefully accepted by the Government of Bihar and Orissa. Sappers and Miners have been deputed to Monghyr, Muzaffarpur and Darbhanga and have rendered the greatest help in removing debris of ruined houses; and in dealing with dangerous buildings the detachment of the East Yorkshire Regiment stationed at Muzaffarpur has also rendered valuable help. Funds have been given to district officers for the immediate relief of distress and these will be supplemented by the funds which will be collected as a result of His Excellency the Viceroy's appeal. One great need of the houseless population is blankets, but I understand that this need is being met, and, though no doubt many more will be required, 10,000 blankets have already been sent out from Patna to the affected towns. As regards communications, the Bengal and North Western Railway are making most strenuous and efficient efforts to restore the damage and I understand that railway communication is now open with Muzaffarpur. As regards road communication, the Local Government have made funds available to the District Boards, and this important work is being pushed on as rapidly as possible. The important question of water supply is also being dealt with by sinking tube wells and disinfecting tanks.

I trust that this survey of the situation will make clear the extent of the disaster and the energetic and comprehensive steps which have been taken by the Government of Bihar and Orissa and their officers assisted by voluntary helpers and the Army to meet the more immediate needs of the stricken population. Very much remains to be done and I have no doubt that H. E. the Viceroy's appeal for funds will meet with a prompt and generous response from all classes and all parts of India. The survey which I have given is, as I stated, only approximate, and the question of the extent to which it may be necessary for the Government of India to render financial assistance to the Government of Bihar and Orissa is one which cannot be decided till the full extent of the damage is more accurately known. Still less is it possible till a definite estimate has been framed of the damage to agricultural lands to say what action may be required in the matter of remission of Government demands in the affected area. This is primarily a question for the Local Government and I have no doubt that it will receive their most careful consideration.

MOTION RE SYMPATHY OF THE LEGISLATIVE ASSEMBLY WITH THE EARTHQUAKE SUFFERERS IN BIHAR AND ORISSA.

The Honourable Sir Brojendra Mitter (Leader of the House): Sir, with your permission, I move:

"That this Assembly places on record its deep sympathy with the people of the province of Bihar and Orissa and the other areas in their distress in consequence of the severe earthquake that has caused widespread suffering and distress in the areas affected and requests the President to convey the sympathy of this House to the sufferers. This Assembly trusts that the Government as well as the Princes and people of India will do all that lies in their power to help in alleviating the distress of the sufferers."

I do not think that any speech is necessary in support of the motion. It is not a party question. I hope that the efforts of the public authorities and the private agencies will be co-ordinated and there will be no overlapping, so that the maximum amount of relief may be available from the united efforts of all. Sir, I move.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I associate myself with what has fallen from the Leader of the House and there can be no doubt that the Party which I represent and all the other Parties and the Honourable Members of this House will respond to the appeal that has been made in order to afford relief to the sufferers in this unprecedented calamity. The account that has been given by the Honourable the Home Member has shocked us even more than the account which appeared in the newspapers and what we heard from private sources. As has been pointed out, the extent of the loss of life and damage to property cannot yet be accurately estimated, but, so far as has been ascertained, it is something which can only be described as terrible. The damage to Government property and to railway property has also been considerable and there can be no doubt that what will be necessary to restore the previous state of things in the stricken areas will be a great burden on the Provincial Government as well as on the Government of India. The House is aware that not only the Government of Bihar are doing all that lies in their power to alleviate the sufferings of the people, but also the military authorities and private efforts and enterprise and philanthropy have not been lacking in making endeavours to do all that is possible in order to bring relief to those who have suffered. In this connection, I may venture to make one suggestion. It may well be apprehended that the volcanic activity which has taken such a heavy toll of life and property in North Bihar may not disappear altogether. At any rate there will be apprehension of recurrence and I take it that the Government will consider seriously whether in planning out the restoration of the towns that have been demolished and the villages that have been damaged or destroyed care will be taken to see that any possible repetition of an earthquake of this magnitude may not find the inhabitants wholly unprepared as they were now. In other countries where earthquakes are of more frequent occurrence care is taken to build houses of materials which will resist shocks as much as possible and care should also be taken to provide open spaces to permit of the inhabitants escaping from the falling houses. I think every section of this House will heartily endorse the motion that has been made by the Honourable the Leader of the House.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): On behalf of the Democratic Party, I heartily associate myself

[Mr. B. V. Jadhav.]

with the motion moved by the Leader of the House and I endorse every word that has fallen from the lips of the Leader of the Independent Party. The calamity that has overtaken the province of Bihar was not at all expected and I am very glad to see that both the Government and the people are very alert in affording relief to the stricken districts. This is a case in which considerations of party and faction ought to be obliterated and every one ought to stand shoulder to shoulder in affording relief to the unfortunate people, I am very glad to read in the morning papers that the Government of Bihar and Orissa have welcomed the co-operation of Congress leaders, and on this occasion the Congress and the Government are working zealously and in union for the alleviation of misery. This will show to Government that the objects of the Congress are not so subversive as they are sometimes misunderstood to be. This welcome co-operation between the Congress and the Government, I expect, will lead to better understanding of each other and the Congress leaders will now turn their attention more and more to the social side of the question and in this way they will be of immense use to the people, not only of Bihar and Orissa, but other parts of the country. I may assure the Government that this House fully endorses and supports the action they have taken and they will take in this connection and that this House wholeheartedly supports the motion that has been moved by the Honourable the Leader of the House.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I wholeheartedly associate myself with the expression of sympathy as well as with the expectation of help from all parts of the House and from people outside in this very terrible calamity. But I must say at the outset that this was not an entirely unexpected one in South India in spite of the laughter that comes from that side of the House. It is an unfortunate tragedy in this country that people who follow the old ideas are hooted and yet, Sir, a prophesy was made in South India of the occurrence of this earthquake some time ago. Nobody took them seriously; well, in the end they proved to be right, and those who merely proceeded to scoff, I hope, have now remained to pray. (*An Honourable Member* "What do you do?") Well, when I am in the Government I will tell you exactly, and when I occupy the leadership of the country I will tell exactly what I will do. At present, as a humble citizen of the Empire, I am only deploring. When the matter was brought to the notice of the country, the people in authority and the responsible leaders who claim to represent the people said they were all taken by surprise and consequently I enter a caveat against my friend, Mr. Jadhav's statement that this was entirely unexpected. However, it is no good quarrelling. Sir, recently we were the victims of a cyclone in South India of unprecedented severity and within a month of that there was this most appalling calamity! I do hope the country will stand up as one man and help the sufferers from calamities throughout the country. Sir, this earthquake visited not only North Bihar, but also Calcutta and other far-off places and Nepal where, it appears, the capital city as well as two or three important cities have been reduced to complete ruins. Sir, I do not intend to take up further the time of the House, but I do suggest that a subscription list should be opened headed by the Members of this Assembly and that they would one and all contribute, from the smallest man to the biggest, whatever they could really afford and thus show practically their sympathy with the sufferers. (Hear, hear.)



Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muham-
madan Rural): Sir, I rise to associate myself with the expressions that
have fallen from the Leader of the House and I entirely agree with him
that this is no occasion for speechifying. As pointed out by the Leader
of the Centre Party, which occupies a central position in this House, it
is deeds which tell better than words, and if Members of this Legislature
can give a lead in actual deeds and open up a subscription list and follow
that up by relief work by going to their constituents and urging them to
subscribe more liberally for the sake of those stricken people who need
so much succour in their dire, dark extremity, then this Legislature
would have justified itself. Sir, the language of genuine grief and soli-
citude is short.

Sir Leslie Hudson (Bombay: European): Sir, I am grateful for this
opportunity of associating myself and my Group and, through that Group,
the whole of the European community in India, in extending sympathy
to the sufferers in this great calamity. I am perfectly certain the Euro-
pean community throughout India will not be slow to answer the appeal
of His Excellency the Viceroy and that they will do their best by contributing
in money and kind to ameliorate the sufferings of these people who have
lost so much in this terrible catastrophe.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa:
Muhammadian): Sir, I come from a town in ruins and from a province
of ruined towns. I am afraid the account given by the Government will
in the end prove to be an under-statement. On the strength of what I
have seen, I can say that in fact in the end it will prove to exceed the
calamity as it has been depicted by the Government. Considering that
there is not a single house standing in Monghyr and that the dead bodies
in Monghyr, Muzaffarpur and Darbhanga are still under the debris it will
not be an exaggeration if I say that the number of the dead cannot be
less than ten thousand. Very few people can dare entering the ruins
of these towns. Sir, ten days ago, in Bihar, there was a town, Monghyr,
but there is no such town in Bihar now. I am thankful to the Bihar Gov-
ernment that they are doing whatever was and is in their power, and espe-
cially to the Education Minister who is taking a very keen interest in
this matter. Day and night he is working, and with his help it was
possible to keep the prices at the normal level. But I want to draw the
attention of the Central Government through you, Sir, that the Provin-
cial Government is not in a position really to help the province. Their
resources are very very limited, and unless the Government of India
extend their liberal hands, it will be very very difficult to provide even
shelter to these half-naked, starving and homeless men—to those who have
lost their property, who have lost their relatives and children. In addi-
tion to the calamity of earthquake there, they have had before that floods
which ruined the paddy crop. There was some hope about the *rabi* crops,
but the recent floods ruined the whole of such crops. I, therefore, request
all the Departments of the Government to help not only from the relief
funds collected by them, but from their own funds as well. There are many
funds in the hands of the Government from which they can give suffi-
cient help to that part of India.

Sir, one more fact I want to bring to the notice of this House and
this country and that is this that Patna or rather South Bihar has come

[Mr. M. Maswood Ahmad.]

under the shadow of North Bihar in this matter. No doubt their sufferings have been very very severe, but I hope that the Central Government and the Local Government will not forget South Bihar as well. In Patna, about 25 per cent of the houses have come down and about 50 per cent more are waiting to be demolished, and it is impossible to repair the vast number of other houses. Sir, it is not in our power to rebuild the vast number of houses which several generations of our ancestors had built, and I hope the Central Government will give full consideration to the case of South Bihar as well as North Bihar. With these words, I wholly agree with the words which have fallen from my Leader.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, on behalf of the suffering humanity of North Bihar and other areas affected and afflicted by the recent earthquake, I beg to express our sense of grateful appreciation of this special motion which you, Sir, have permitted the Leader of the House to make, and to the other Members of the House for having so warmly supported that motion. Really, North Bihar is a tract in desolation today. What were once flourishing towns like Muzaffarpur, Darbhanga, Monghyr, Champaran and Bhagalpur have now been absolutely ruined. I am afraid the popular estimate puts the number of casualties much higher than the official figures would seem to indicate, as there are innumerable dead bodies believed to be buried under the debris of fallen houses which have not yet been removed from their sites. There is a danger of the outbreak of an epidemic following in the wake of the stinking smell that comes out from the towns devastated by the earthquake. Things that are most immediately needed at the present moment are foodstuffs, salt, kerosene, medical aid, housing materials, blankets, and a good supply of drinking water. In this bitter cold thousands and thousands of people are living out in the open under improvised huts. Even the materials for building huts are not easily available as I know from my own experience. Both of my houses have fallen down, and my family and children are living out exposed to cold, at night. Building materials are not easily available as the demand for them is so great. I am thankful to the Government of Bihar and Orissa and to the local officials for the steps they have already taken in the matter, but as an eyewitness to the scenes of horror I witnessed in Muzaffarpur, I must say that the measures that have been taken are altogether inadequate to cope with the magnitude of the disaster. I am thankful to Their Majesties the King Emperor and the Queen Empress for the practical sympathy which they have graciously shown by giving a contribution to the Relief Fund. I note with gratitude on behalf of my people that Their Excellencies Lord Willingdon and Lady Willingdon have opened a Relief Fund. There are also non-official agencies like the Congress Organisation and other private bodies and individuals who have come to the rescue of the afflicted people, and their efforts must be supplemented and co-ordinated without reference to political, racial, or other differences. My thanks are due to them as well. The disaster that has overtaken my part of the country transcends all limitations of class, creed or colour. Suffering humanity calls for speedy relief. Unless these efforts are forthcoming instantaneously, I am afraid the sufferings of the people will be intensely prolonged. In this connection I would like to suggest that the railways may be asked to give

facilities for the free carriage of materials that may be required for building houses or foodstuffs, etc., to the places that sorely stand in need of them. Sir, this is not a time when I should dilate upon the details of the calamity. The calamity is too vast and too recent for us to attempt to make even an approximate estimate of the extent of the damage done to life and property, but from the full account which my Honourable friend, the Home Member, has given to the House in answer to my question, it will appear that the extent of the disaster is altogether unprecedented in the annals of this country. I hope that this special motion will be passed unanimously by this House, and that a copy of it you, Sir, will kindly forward to the Government of Bihar and Orissa and to the other authorities concerned for distribution amongst the sorely afflicted people. It will be a sort of consolation to them that in the midst of their trials and tribulations they have got the sympathy and support of the representatives of the country in this House.

Mr. President (The Honourable Sir Shanmukham Chetty): Before putting the motion, the Chair would like to associate it with the sentiments given expression to by the representatives of all sections of this House. The information now available to the country about this disaster must at this stage be necessarily incomplete, but even judging from the meagre information that is now available, we can realise that the magnitude of the disaster is most appalling. The response that the country has made to the appeal made by Their Excellencies is already very encouraging. This House must be congratulated on having thought fit to express their sympathy with the sufferers, but the Chair sincerely hopes and trusts that every Honourable Member of this House will show a practical proof of his individual sympathy, not merely by subscribing himself to the Fund opened by His Excellency the Viceroy, but by persuading his friends and the members of his constituency to respond to the appeal that has been made. (Applause.) It is in that way that we can give practical proof of the sympathy to which we give expression to in this House today. When this motion is adopted, it would be the duty of the Chair to communicate to His Excellency the Governor of Bihar and Orissa and to his Government the deep sympathy of this House with the sufferings of the people of Bihar in this dire calamity. The question is:

"That this Assembly places on record its deep sympathy with the people of the Province of Bihar and Orissa and the other areas in their distress in consequence of the severe earthquake that has caused widespread suffering and distress in the areas affected and requests the President to convey the sympathy of this House to the sufferers. This Assembly trusts that the Government as well as the Princes and people of India will do all that lies in their power to help in alleviating the distress of the sufferers."

The motion was adopted.

MOTION FOR ADJOURNMENT.

RECOMMENDATIONS OF THE CAPITATION TRIBUNAL

Mr. President (The Honourable Sir Shanmukham Chetty): I have received a notice from Sirdar Harbans Singh Brar that he proposes to ask for leave to make a motion for the adjournment of the business of the

[Mr. President.]

House today for the purpose of discussing a definite matter of urgent public importance as follows:

"The unsatisfactory nature of the decision announced by His Majesty's Government on the recommendations of the Capitation Tribunal, that is the inadequate contribution and compensation promised to India therein."

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

The notice given by Mr. B. Das will have to be made tomorrow, because only one motion for adjournment can be made in a day.

GOVERNOR GENERAL'S ASSENT TO BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): I have now to inform Honourable Members that the following Bill which was passed by both Chambers of Indian Legislature during the November-December Session, 1933, has been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act, namely, the Indian Tariff (Second Amendment) Act, 1933.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the House that under Rule 3 (1) of the Indian Legislative Rules, I nominate Sir Abdur Rahim, Mr. K. C. Neogy, Sir Leslie Hudson, and Mr. N. M. Joshi on the Panel of Chairmen for the current Session. (Applause.)

STATEMENTS LAID ON THE TABLE.

The Honourable Sir George Schuster (Finance Member): Sir, I lay on the table:

(i) the information promised in reply to part (a) of starred question No. 1387 asked by Sirdar Harbans Singh Brar on the 12th of December, 1933; and

(ii) the information promised in reply to parts (c) and (d) of starred question No. 1437 asked by Mr. S. C. Mitra on the 16th December, 1933

LOAN ADVANCED TO THE BAHAWALPUR STATE.

*1387. (a) The following are the figures for capital and interest outstanding on the 31st of October, 1933, in the loan advanced to Bahawalpur State:

	Rs.
Capital	9,72,81,139
Interest	2,25,33,443
Total	11,98,14,582

Note.—The above figures do not include a sum of Rs. 62,11,844 on account of interest up to the 30th of September 1928 which was paid by the State in cash.

STATEMENTS LAID ON THE TABLE.

AMOUNT PAID TO THE BENGAL GOVERNMENT AS THEIR SHARE OF THE ADDITIONAL SALT DUTY.

*1437. (c) and (d). The Government of Bengal have reported that the sums paid to them on account of their share of the additional import duty on foreign salt have been credited to the general revenues of the province and have been utilised towards reducing the large deficits on revenue account which have been a feature of the provincial finances during these years of economic depression.

Mr. G. R. F. Tottenham: Sir, I lay on the table:

(i) A statement giving the information promised in reply to starred question No. 50 asked by Mr. Gaya Prasad Singh on the 24th August, 1933;

(ii) the information promised in reply to unstarred questions Nos. 303-304 asked by Mr. E. H. M. Bower on the 11th December, 1933;

(iii) the information promised in reply to starred question No. 1263 asked by Mr. S. G. Jog on the 1st December, 1933;

(iv) the information promised in reply to unstarred question No. 239 asked by Mr. S. G. Jog on the 5th December, 1933; and

(v) the information promised in reply to part (a) of unstarred question No. 353 asked by Mr. Goswami M. R. Puri on the 16th December, 1933.

ALLEGATIONS AGAINST THE MILITARY IN CALCUTTA.

*50. It is regretted that negotiations with the Hindu Sabha have broken down. As suggested by the Honourable Member, the desirability of taking the matter to a civil court is now being considered.

USE OF A EURASIAN COMPANY OF ARTILLERY IN THE BHUTAN WAR.

*303. (a) Yes.

(b) It was formed in 1858 and disbanded in 1869.

(c) The Establishment up to 15th September, 1865 was:

Captain	1
Lieutenant	1
Staff Sergeant	1
Sergeants	5
Corporals	6
Buglers	2
Gunners	88
Boys on half pay as gunners	12
Lascars	2
Bhistis	2
Sweeper	1

Hospital establishment :—

Christian Native Doctor	1
Shop Cooley	1
Bhisti	1
Cook	1
Sweeper	1
Dooly Bearers	5

The Establishment after 15th September, 1963, was :—

Captain or 2nd Captain	1
Lieutenants	2
Assistant Surgeon	1
Eurasians—	
Sergeant Major	1
Sergeants	4
Corporals	4
Bombardiers	4
Gunners	60
Trumpeters	2
Native Drivers—	
Havildars	4
Naiks	4
Drivers	82
Native establishment—	
Grass-cutters	41
Farrier	1
Mistree-Smith	1
Fileman	1
Fireman	1
Hammerman	1
Mistree-Carpenter	1
Carpenter	1
Moochie	1
Lascars	2
Bhistis	2
Sweeper	1

EURASIAN COMPANY OF ARTIFICERS.

*304. (a) There was a company of Carnatic Ordnance Artificers who were attested men and liable to proceed on active service. The Officer Commanding the company was the Superintendent, Gun Carriage Factory, Madras.

(b) and (c) No official records are available.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

*1263. (a) No.

(b) Copies of the previous questions and answers mentioned by the Honourable Member have been sent to the Controller of Military Pensions, Lahore.

RATES OF DISABILITY PENSION ADMISSIBLE TO NON-COMBATANT CIVIL SUBORDINATES OF THE ARMY IN INDIA.

239. (a) Under the rules in force in 1915 the relative rank of a civil officer not being an Indian officer, drawing Rs. 200 to Rs. 249 a month, was "Lieutenant of less than three years' service". Pensions to Indian civil officers drawing a salary of Rs. 200 a month or upwards were granted at specified rates subject to a maximum of half their salary and no relative rank was assigned to them.

The subsequent changes in the relative rank of the officer mentioned were :

Date of effect.	Relative rank.
15th May 1922 or the date of commencement of War, if more favourable.	Second Lieutenant.
2nd January, 1925	Warrant Officer, Class II.
21st October, 1925	Sub-Conductor.

(b) It is not possible to answer this question without knowing the classification of disability.

RETRENCHMENT OF MINISTERIAL STAFF IN THE ARMY HEADQUARTERS.

353 (a) The information asked for is given in the statement below :

Office.	Retrenchment carried out in regard to ministerial establishment during				
	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
	Rs.	Rs.	Rs.	Rs.	Rs.
G. S. Branch	8,670	11,580	11,580	3,522	33,852
A. G.'s Branch . . . . .	..	..	3,921	15,224	15,686
Q. M. G.'s Branch . . . . .	..	60,660	6,372	14,592	3,720
M. G. O. Branch	11,781	9,928	25,472	..	..
M. S. Branch . . . . .	..	..	..	6,420	..
E.-in-C.'s Branch	12,480	2,700	13,464	1,908	..
Medical Directorate	7,716	5,316	8,748	..	..
J. A. G. . . . .	..	..	..	1,310	1,210
A. M. S. (P) . . . . .	..	..	..	..	..
Contracts Dir. . . . .	..	..	..	..	..
A. D. O. S. (P)	25,000	55,000	60,000	..	..
R. A. F. . . . .	..	1,130	..	4,000	..

Mr. P. R. Rau: Sir, I lay on the table:

(i) the information promised in reply to a supplementary question to starred question No. 29, asked by Mr. Gaya Prasad Singh on the 28rd August, 1933;

(ii) the information promised in reply to starred questions Nos. 798-800 and 804-813 asked by Rai Bahadur Lala Brij Kishore on the 12th September, 1933;

(iii) the information promised in reply to starred question No. 1089 asked by Rai Bahadur Kunwar Raghubir Singh on the 21st November, 1933; and

(iv) the information promised in reply to starred questions Nos. 1334 and 1338 asked by Pandit Satyendra Nath Sen on the 11th December, 1933. |

RAILWAY ACCIDENT NEAR MOKAMEH ON THE EAST INDIAN RAILWAY.

*29. The Agent, East Indian Railway reports that a force of punitive police which had prior to the accident, been quartered at Burhee was the first to receive news of it and the Deputy Superintendent in charge hurried to the scene with as many of his force as he could collect. They remained there until relieved by the ordinary police force.

RETRENCHMENT IN THE EAST INDIAN RAILWAY PRESS.

*798. (a) This is generally correct; but one clerk was also retrenched.

(b) and (c). No.

(d) Yes.

(e) Computers are not necessary for calculating the wages of Technical Staff working on monthly pay but are required for pricing and estimating work.

(f) Yes because neither the costing nor the pricing system had been introduced into the Eastern Bengal Railway press.

(g) There were only two Computers in the East Indian Railway Press in 1926 and now there is one Computer and one Assistant Computer.

(h) No. Correct figures are as below :

	1926.	at present.
Overseer	1	2
Foremen	4	3
Assistant Foreman	Nil	1
Office Superintendent	Nil	1*
Press Meehanic	Nil	1
Section Holders	2	4†
Machine Jamadar	3	3
Computer (including Assistant Computers)	2	2
Time Keepers (including Assistant Time Keeper).	3	4‡
Clerks	31	31
Checkers	Nil	Nil

(i) There are no surplus staff at present.

*The post of Head Clerk was designated as office Superintendent.

†Increase due to installation of Mechanical Composing Plant.

‡Increase due to 1 man being required as Time Keeper to the Ticket Printing Section.

RETRENCHMENT IN THE EAST INDIAN RAILWAY PRESS.

- *799. (a) No.
 (b) Yes.
 (c) Yes.
 (d) No.
 (e) No. Compositors 68. Binders 136.
 (f) (i) No.
 (ii) No.
 .. (iii) Since the commencement of the economy campaign in 1931 overtime in general has ceased.
 (g) No. The Government do not consider that any useful purpose will be served by laying a copy of the letter, referred to, on the table of the House.
 (h) (i) The amalgamation of the East Indian and Eastern Bengal Railway presses.
 (ii) No, as none are surplus to requirements.

PURCHASE OF TIME RECORDER MACHINES BY THE EAST INDIAN RAILWAY PRESS.

- *800. (a) Yes.
 (b) (i). Four Time Recorders were purchased on 18th December, 1929, at a total cost of Rs. 1,627.
 (ii) and (iii) The clocks are used for booking the times of the arrival and departure of staff and also, in some sections of the department, the time worked on jobs.
 These or similar clocks are used in all factories in Britain and America; they are reliable and prevent disputes arising with staff as to their timings.
 In the Head Office Press there are two time keepers, the same number as were employed 25 years ago when the staff was smaller than it is at present. Today owing to the absorption of the Oudh and Rohilkhund Railway and Eastern Bengal Railway presses, the work staff has been considerably increased and had it not been for the time-clocks additional time-keepers would have had to be engaged.

MEMORIAL FROM CERTAIN EMPLOYEES OF THE EAST INDIAN AND THE EASTERN BENGAL RAILWAY PRESSES.

- *804. (a) Yes.
 (b) Government do not consider any useful purpose will be served by placing a copy of the memorial on the table of the House.
 (c) (i) The Memorials were carefully considered by the Government of India and the recommendations made by the Agents, East Indian and Eastern Bengal Railways, in connection with the alterations in the rates of pay of some of the press employees were agreed to.
 (ii) Does not arise.

RETRENCHMENT AND REDUCTIONS IN THE OPERATIVE STAFF OF THE EAST INDIAN RAILWAY PRESS.

- *805. (a) and (c) to (d). Yes.
 (b) Some resolutions purporting to be passed at such a meeting have been received.
 (e) No.
 (f) Government do not consider there have been any irregularities.

STAFF OF THE EASTERN BENGAL RAILWAY PRESS.

*806. (a) They are governed by the Eastern Bengal Railway Press Manual.

(b) Yes.

(c) and (d). No, but in a letter headed "Retrenchment of Press staff" issued in June, 1933, the term "Workshop Staff" was used on the strength of Railway Board's orders that the term "workshop employees" included press employees other than supervisory or clerical for the purposes of Retrenchment Rules.

DISCONTINUANCE OF THE PRIVILEGE OF ALLOWING FREE PASSES TO THE COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS.

*807. (a) Compositors appointed prior to 1921 and drawing a pay of Rs. 20 and over are eligible for Inter-Class passes.

(b) No. They are enjoying the same privileges as personal to them, but men appointed after 1921 are classed as works staff and are eligible for Inter-Class passes when they draw Rs 75 per mensem and over.

(c) Because of a revision of the Pass Rules.

RESOLUTIONS PASSED BY THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

*808 (a) Yes

(b) (i) and (ii). As the Association is not recognised by the Government of India, no action is proposed to be taken on the Resolutions Government do not consider that any useful purpose will be served by laying a copy of the Resolutions on the table of the House.

PAY OF COMPOSITORS OF THE EASTERN BENGAL RAILWAY PRESS.

*809 (a) and (b). Yes.

(c) No

(d) All Compositors irrespective of the date of appointment were brought on to the establishment of the amalgamated Press at the rates of pay which they were enjoying prior to the amalgamation excepting those who were demoted

(e) (i). There were no discrepancies

(ii) and (iii) Do not arise

RETRENCHMENT AMONG THE INDUSTRIAL STAFF OF THE EASTERN BENGAL RAILWAY PRESS

*810 (a) (1) About 15 per cent of the total staff of the Eastern Bengal Railway Press were retrenched

(ii) Yes.

(b) Length of service.

(c) Yes. The junior most man from amongst the Compositors appointed on the same date has been treated as surplus Others could not be regarded as surplus as the reduction to be made did not warrant it

(d) Surplus staff when possible have been absorbed and not only clerical staff. As the Eastern Bengal Railway have now no press industrial staff are borne on the East Indian Railway surplus list

(e) (i) Does not arise.

(ii) As stated above they are already borne on the East Indian Railway surplus list of Industrial staff.

DEMOTION AND REDUCTION IN SALARIES OF THE INDUSTRIAL STAFF IN THE EASTERN BENGAL RAILWAY PRESS.

*811. (a) Yes. Demotion which is an alternative to discharge necessarily entails reduction in pay. No other reductions have been made.

(b) The principles are laid down in letter No. 381-L., dated 20th July, 1932, a copy of which is in the Library of the House.

(c) No. Demotions and reductions have been made in other categories also as required.

(d) Does not arise.

POSITION OF COMPOSITORS AND BINDERS AFTER THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

*812. (a) Yes.

(b) No.

(c) Only in respect of passes and Provident Fund subscriptions.

(d) The Eastern Bengal Railway Press Employees transferred to the East Indian Railway Press will on amalgamation be guided by regulations which were promulgated in July, 1933.

ACTION TAKEN ON THE MEMORIALS OF THE EMPLOYEES OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

*813. (a) to (d). Yes.

(e) and (f). Orders have since been issued.

ABSENCE OF A THROUGH PASSENGER TRAIN FROM DELHI TO ALLAHABAD.

*1089. (a) There are four mail and express trains each way between Delhi and Allahabad. There are, however, no through passenger trains between Delhi and Allahabad which stop at every station. The latter were withdrawn because they were found to be unremunerative and were replaced by sectional trains.

(b) As far as Government are aware there has been no report of the unpopularity of the present time table on account of the discontinuance of through slow passenger trains.

(c) Motor competition affects short distance traffic which is catered for by the sectional trains.

I have however, sent a copy of the Honourable Member's question and this reply to the Agent for any action he may consider necessary.

TRANSFER OF THE RAILWAY RATES ADVISORY COMMITTEE TO CALCUTTA.

*1334. (b) (ii) The Secretary of the Committee reports that the cost of packing materials, lorry and cart hire, and labour on account of the retransfer of the headquarters from Vizagapatam to Calcutta amounted to Rs. 245-10-0.

RE-APPOINTMENT OF RETRENCHED STAFF AFTER THE RECONSTITUTION OF THE RAILWAY RATES ADVISORY COMMITTEE.

*1335. Yes. Four men have been reappointed one as clerk, one as a typist, one as a duffry and one as a peon.

ELECTION OF THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

The life of the present Committee expires at the end of this month. Hence this motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): I may inform Honourable Members that for the purpose of election of Members to the Standing Committee on Pilgrimage to the Hedjaz, the Assembly Office will be open to receive nominations up to 12 noon on Friday, the 26th January, and that the election, if necessary, will be held on Monday, the 29th January, 1934. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. For the election to the Committee the same procedure will be adopted as was followed for the election of Committees held during the last Simla Session, namely, that the election, instead of being held in the Assembly Chamber, will take place in the Secretary's room where the Assistant Secretary on the day fixed for the election will remain from 10-30 A.M. to 1 P.M. Honourable Members desiring to take part in the election may, during these hours, go to the Assistant Secretary, get the ballot paper from him after signing in a register in token of their having received the ballot paper, record their vote and deposit the paper in the ballot box kept for this purpose in that room. On the day of the election, notices will be posted in prominent places in the lobby to remind Honourable Members that the election is proceeding.

THE STEEL AND WIRE INDUSTRIES PROTECTION (EXTENDING) BILL.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to continue for a further period the provisions made by certain Acts for the purpose of fostering and developing the steel industry and the wire and wire nail industry in British India.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to continue for a further period the provisions made by certain Acts for the purpose of fostering and developing the steel industry and the wire and wire nail industry in British India."

The motion was adopted.

The Honourable Sir Joseph Bhoré: I introduce the Bill.

THE WHEAT IMPORT DUTY (EXTENDING) BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to extend the operation of the Wheat (Import Duty) Act, 1931.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to extend the operation of the Wheat (Import) Duty Act, 1931."

The motion was adopted.

The Honourable Sir Joseph Bhore: I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. B. Das, Mr. S. C. Sen, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Lala Rameshwar Prasad Bagla, Mr. J. Ramsay Scott, Bhai Parma Nand, Khan Bahadur Haji Wajihuddin, Mr. A. H. Ghuznavi, Dr. F. X. DeSouza, the Honourable Sir Frank Novce, and the Mover, with instructions to report within one week, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I think, Sir, that the House will expect a more detailed exposition in regard to the objects and reasons than is contained in the statement appended to the Bill in respect of, firstly, the necessity for this measure, secondly, in regard to its scope, and, thirdly, in regard to its form. I will take the question of necessity. I venture to believe that Honourable Members of this House are so fully seized of the matter already that it is hardly necessary for me to indulge in any elaborate justification. The considerations which induced this House to pass the Safeguarding of Industries Act a little less than a year ago, considerations which have lost little of their force today, afford, I venture to submit, the necessary justification. We had then begun to experience the full force of the abnormal competition from Japan, competition caused by or at any rate grievously enhanced by a heavily depreciated currency and the apparent failure of ordinary economic laws to act in the direction of redressing the initial advantage gained by the country with a depreciated currency. I ought, Sir, at this stage to inform the House of the steps we took after the passing of the Safeguarding Act. After the Budget Session we examined carefully the condition of the various industries that had applied for protection under the Safeguarding Act. An exhaustive questionnaire was prepared and circulated to all the industries concerned and to the various Chambers of Commerce. As the result of a very careful examination conducted by the President of the Tariff Board and by Dr. Meek, the Director General of Statistics, we came finally to the conclusion that the industries which are dealt with in this Bill had made out a case for immediate action under the Safeguarding Act while other applicants had failed to make out a case for emergency action. This Bill, Sir, represents the conclusions we then arrived at. In case, however, there are Members of this House who do not realise fully the character and the

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extent of the competition which the industries concerned had to face, I would like to quote one or two cases which I hope will serve to remove any lingering doubt, if doubt there remains, as to the necessity for the measure which is now before the House. I will take the case of one class of hosiery, cotton undervests; the imports into India from Japan have been as follows:

In 1931-32—1,272,000 dozen.

In 1932-33—2,589,000 dozen.

In 1933-34 (during the first eight months)—over 2,200,000 dozen.

Honourable Members will realise the significance of these enormous increases. Equally significant is the decrease in price. The average price of Japanese undervests in 1931-32 was Rs. 2-11-0 a dozen; in 1933-34, it had sunk to Rs. 1-13-0 a dozen. Take another example, that of lead pencils. Japanese imports had increased from 879,000 dozen in 1930-31 to 2,344,000 dozen in 1931-32 and to 4,654,000 dozen in 1932-33; while prices have fallen from Rs. 1-3-0 a dozen to 10 pies a dozen.

I have taken these cases at random, but I hope that the figures which I have given will make it clear that we really had a case for the safeguarding of these industries. Indeed, Sir, where criticism has appeared in the country it has been rather in the direction of blaming Government for the delay in taking action and a failure to go as far as they possibly might have done. In regard to the first of these criticisms, Sir, I would merely point out that we could not apply the Safeguarding Act until at any rate the 10th October last, the date on which the trade convention with Japan came to an end; and I will explain later why it is that we have chosen the device of minimum specific duties and have preferred to come to the Legislature rather than take any other action that might have been open to us.

I next turn, Sir, to the scope of this measure and I would here like once again to emphasise an aspect which certain industries have deliberately ignored. They have taken this opportunity to try and obtain substantive protection by what they consider is an easy short-cut. Now I want to make it perfectly clear that this Bill is not intended to give substantive protection to any industry. If an industry feels that it has a case and that it is able to make a reasonable *prima facie* case for such protection, then we are prepared to remit that case to the Tariff Board for consideration. The whole object of the Safeguarding Act is not to afford protection to an industry in pursuance of the policy of discriminating protection laid down by the Legislature and accepted by Government, but to afford a temporary shelter to industries which have been affected by abnormal competition made possible by abnormal factors. Our procedure, Sir, has been this. We have taken a period when conditions were more or less normal. Such a period was the year 1930-31 when the industries concerned had made no complaint of exceptional or unfair competition, when exchange and other relevant factors were more or less stable; and we have then taken steps to restore as far as may be possible the competitive conditions existing in that year. I will illustrate the general procedure by reference to a particular case. Take the case of umbrellas. In the year 1930-31, we find that the average c.i.f. price of an umbrella imported from Japan was 14 annas 6 pies and the duty paid price was about Rs. 1-1-6. In 1933, we find that the average c.i.f. price of a Japanese umbrella had sunk to about nine annas. We have proposed a minimum

specific duty of eight annas, bringing the duty paid price to about Rs. 1-1-0, about the same level as the duty paid price in 1930-31 allowing for certain factors like fall in prices. That is the general procedure we have adopted, with, of course, modifications in individual cases. There is another point that I would like to bring to the notice of the House in this case, and that is that the fall in prices has been accompanied by a very greatly enhanced importation. The imports of umbrellas rose from 4,828 in 1930-31 to 14,802 in 1931-32, to 250,537 in 1932-33, and to the enormous figure of half a million in the first six months of 1933. I would like to point out to the House that we have kept before us the following important considerations; firstly, we have taken into account in the case of every industry concerned the extent of the Indian production. We have required that the production should be fairly substantial in extent; otherwise obviously we should be penalising the consumer for the sake of a comparatively unimportant or minor industry. Secondly, Sir, we have taken into account, and we have only acted in cases where the fall in price has been abnormal and of a serious nature. And thirdly, we have borne in mind the effect of the fall in prices on imports. I want to make it clear once again that we are not granting substantive protection by this Bill: we are merely, speaking quite generally, seeking the restoration of competitive conditions to a level which existed when there was no complaint of unfair or abnormal competition.

I come lastly to the question of the means which we have adopted to restore fair competitive conditions for the industries which are concerned. It would have been probably easier, and in some cases probably more satisfactory, had we been able to apply the provisions of the Safeguarding Act, to impose the necessary duties against Japanese goods, discriminating their case from the case of goods from other countries from which the competition was more normal in character. But early in our negotiations with Japan, her representatives made it clear that the prospect of our concluding a trade agreement depended upon whether we would be prepared to accord Japan most-favoured-nation treatment. It was evident that the alternative which faced us was either to abandon the hope of a trade settlement between the two countries or to endeavour to find a means by which we could secure the results that we were trying to achieve without discriminating in our customs duties against Japan. We chose the latter alternative and in these circumstances I have no fear that responsible opinion, whether commercial or political, will criticise us adversely for the line which we have taken. Had we, as some short-sighted interested critics would wish us to have done, adhered to the Safeguarding Act and made use of the discriminatory powers which it gave us, we would most certainly have had to face inevitable trade hostility between the two countries. I am perfectly certain that there is no responsible person within or without this House who would for one moment suggest that we should have risked the possibility of the rupture of friendly and amicable trade relations between the two countries rather than have endeavoured to find an alternative method of securing the object which we had in view. As it happens, we found it possible by the imposition of non-discriminatory minimum specific duties to give on the whole fair protection to the industries which merited it and at the same time to maintain almost unchanged the old *ad valorem* incidence on the goods imported from other countries than Japan. The House will further recognise that a specific duty is preferable to an *ad valorem* duty when it is imposed for the purpose of protecting the products of home industries. In a period of falling prices,

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the measure of protection which is afforded by an *ad valorem* duty tends to grow smaller and smaller so that, when it is most needed, it may be least effective. A specific duty is not open to this objection. I do not for one moment suggest that recourse to a minimum specific duty has always in every case been entirely and wholly satisfactory for the purpose that we had in view; but I do make these two contentions: I say first that recourse to a specific duty has enabled us to give reasonable protection to industries which had a reasonably good case; and, secondly, I contend that in no other way would it have been possible to serve that object and to have maintained unimpaired our amicable trade relations with Japan.

That completes what I have to say at the moment. I am quite prepared to hear criticisms from two opposite quarters: from the representatives of some industries which, I have no doubt, will be disappointed because they have not been able to secure substantive protection through a backdoor; and, on the other hand, from the representatives of the importers who naturally feel themselves to be up against it and will no doubt take up arms on behalf of the consumer. I am moving for a Select Committee so that we may go carefully into the rates of duties we have proposed and may satisfy ourselves that we have held the balance fairly between the consumer on the one hand and the producer on the other. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. B. Das, Mr. S. C. Sen, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Jala Rameshwar Prasad Bagla, Mr. J. Ramsay Scott, Bhai Parma Nand, Khan Bahadur Ilaji Wajihuddin, Mr. A. H. Ghuznavi, Dr. F. X. DeSouza, the Honourable Sir Frank Noyce, and the Mover, with instructions to report within one week, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhannadan): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1934."

Sir, it is right that the Treasury Benches are surprised at this amendment, because, at the time of this calamity which has happened in my province, it might have been thought that I will not be present here to move my amendment, but the great responsibility at my shoulder forces me to move any amendment. Sir, personally I have always been opposed to any protective measures. It is not a new thing: representing the poor consumer, on principle I had no other alternative but to move this amendment. I have already said and I want to repeat it here that Government are very kind to the manufacturers, but they are not so kind to the consumers at all: and the reason why they are so kind to the manufacturers is not that they have any real sympathy with the industrialists and the manufacturers: rather their main reason is that their interests and the interests of the manufacturers are bound up on this point: they want money for the army: they want money to pay the high-salaried officials: they want money to run their whole show, and they think that, if they tap any other source, it will create some trouble in the country and so they come forward with these protective measures. My Honourable friend, the Finance Member, in the garb of the Commerce Member, is piloting

this measure. If you will see the Bill, you will find that in this Bill there are cases which really do not require protection: had they been true in saying that they want to protect Indian interest, they would have protected other things as well, but they are not doing it, because they think that they will lose in that. Take the case of rice, for instance. What are they doing for that? A Conference was held at my suggestion, but they called it an informal conference, not even a formal conference. What are they doing for the export of hides and skins? They are doing nothing in that direction. What are they doing for the poor agriculturist who forms the 99 per cent of the Indian population? So I think that this measure is not really for the benefit of the industries in this country; rather it is only in the interests of the Government, because they want money and this is an easy means of getting it. They want to fill the pockets of the millionaires by robbing the pockets of the poor consumers. This is not a just policy. The Government do not consider that apart from the manufacturers there are consumers as well in this country. They forget the percentage of the manufacturers in relation to the consumers. Again, you will find that all the things which are used by the consumers have become very costly and dear. Even salt and kerosene oil are very dear in this country. Now the Government have imposed a duty on diesel oil even which affects the agriculturists. The Government totally forget that about 99 per cent of the people are agriculturists and they will suffer the most by the passing of this measure. There are many articles in this Bill which will affect them. There are many items in this Bill which are used as medicines. What about the poor cultivators and poor consumers? I submit that the poor man has a better claim at the hands of the Government than the big man who has got millions of rupees. The poor men have not got sufficient clothing, they are half naked, and do not get sufficient food now-a-days, and, if this Bill is circulated, they will have a chance of informing the Government how it will affect their interests. Take the case of sugar. The factories here are making profits cent per cent. There are certain factories whose owners have admitted that practically they have realised the whole of the money that they have invested in these factories. Sugar has become costly, but the poor cultivator is getting only four to five annas per maund for sugarcane.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): And the earthquake has taken away some.

Mr. M. Maswood Ahmad: I am glad it has affected a few of the factories. Now, they have this protective duty on sugar for 15 years. In order to give help to those who have got sufficient money, Government readily come forward, but, when it is a question of helping the consumers and the poor men, they do not do so.

Without going into the merits of the Bill any more, I suggest that the Government should circulate the Bill in order that the public may get a chance to express their opinions. And, in my opinion, if the protection is needed at all, it is needed by the consumers. With these words, I move the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1934."

Mr. B. Das (Orissa Division: Non-Muhammadan): I do not know if I should congratulate the Honourable the Commerce Member or I should condole with him on this belated measure which he introduced at the fag end of the Session last year. Lord Asquith, who was well known for his dilatory policy, used to offer the advice, "Wait and see". My Honourable friend, since he became the Commerce Member, always likes to offer that advice, "Wait and see". This morning he has introduced two measures. He introduced a Bill for extending the Steel Protection Act for another few months. It seems that something is wrong with the experts of the Commerce Department, with the organisation of the Commerce Department, that they cannot visualise the time factor of the work that that Department has got to do. They knew that the Steel Protection Act would come to an end by the end of March this year, and still they come forward and say that the Tariff Board which they have appointed could not report by that time. Similarly, the Department always likes to procrastinate and postpone things, and, at the end, with mountains of labour, a mouse is produced—this present protective measure!

I am sorry that I must at this stage say, being an avowed protectionist, I cannot subscribe to the opinion that was expressed by my Honourable friend, Mr. Maswood Ahmad. My Honourable friend, with his personal experience of South Bihar, said that the sugar industries in his province were making enormous profits. I think, in spite of the great disaster due to earthquake in Bihar, for which I offer my sincere sympathy to my friends, the people of Bihar, the agriculturists in Bihar have prospered due to the protective tariff that this House gave to the sugar industry. In fact, the newspapers gave out that the Government of Bihar met at a conference the representatives of the Bihar province in order to see how the sugarcane grower could get more money by selling his sugarcane. But I must say that my Honourable friend has not properly represented the interests of the sugarcane growers in Bihar when he said that there should be no protection given to the sugar industry. The Honourable the Commerce Member took a long time to introduce in this House the Safeguarding of Industries Act. Thereafter, he took an inordinately long time to bring forward this measure. But if I look over the items, I find only a few items have been included, and though I was not present in this House,—I must confess I have not read the speeches delivered on that occasion—the newspapers gave out that the Finance Member would be a gainer by Rs. 40 lakhs. I congratulate the Honourable the Finance Member on this windfall in these hard days, but he would have got more if the Commerce Member had paid due attention to the grave menace that is threatening the other industries in this country. For instance, I shall refer to one or two items. My Honourable friend wants to protect the globes for hurricane lanterns, but he has not yet seen his way to publish the report of the Tariff Board on the glass industry. I do not know if it will see the light of day; I do not know why that report has not yet been published. I am sure that my Honourable friend recollects that he has received dozens of representations for the lightening of the burden on sheet glass manufacturers in India. I agree with him that this Bill is not meant to give adequate protection to any industry; its object is to give relief from the unholy Japanese competition. There is a firm in Cawnpore which manufactures sheet glass and, from a note supplied by it, I see that it prepares 35 per cent. of the requirements of this country. Yet the Honourable the Commerce Member did not see his way to raise the tariff on the sheet glass import. There is one thing I would like to ask—either your ruling or a

reply from the Honourable the Commerce Member now or later. I see that my Honourable friend, the Commerce Member, has come back to his seat. I would ask the Honourable the Commerce Member to enlighten this House at this stage of the discussions whether it will be in the competence of the Select Committee to propose the inclusion of other articles than those included in this Bill and whether it will be in the competence of the Select Committee to enhance the rates proposed in this Bill.

The Honourable Sir Joseph Bhore: The answer to that question is in the negative.

Mr. B. Das: I knew that. Being a tariff Bill we on this side of the House can lower it, but we have no power to advise or admonish the other side to raise it. Unless the Honourable the Commerce Member will be moved to change his views either as a result of documents produced on the floor of the House or in the Select Committee, it will be no use our taking part in the discussion, but knowing the reply that fell from the Honourable the Commerce Member this morning to one or two supplementary questions on the Indo-Japanese agreement, I know what is agitating the mind of the Honourable the Commerce Member and, also, the Government of India. They are afraid of the Japanese Government and of the Japanese foreign policy. The Government of India, being a subordinate branch of the British Government, is very much frightened by what the cypher branch of Mr. Metcalfe's Department may produce before them. I would just like to enlighten the Honourable the Commerce Member and also the House by quoting one or two extracts of what I saw in a Japanese paper, for it was published in English and printed in the Indian papers. Mr. Mody, who I am glad is here, raised such a howl over the protection of the cotton mill industry that all other industrial interests have been forgotten. I take this opportunity of thanking the Bombay paper, the *Financial News*, for publishing the Japanese Press opinion from time to time about the Indo-Japanese agreement and the *National Call* of Delhi which has reproduced it. This appeared in the *National Call* of the 22nd January 1934. The Japanese paper, *Osaka Hamicki*, writes:

"The plans of the Foreign Office are said to be as follows:

(1) To maintain a compromising policy in order to keep up the friendly commercial relations subsequent to the expiration of the present Indo-Japanese Commercial Treaty on October 10

(2) To ask for the modification of the prohibitive Indian tariff on Japanese cotton goods and general merchandise in return for which Japan will change its tariff so as to make the tariff on Indian pig iron and take measures to make possible the importation of a certain quantity of Indian rice."

I do not find any mention of this in the Indo-Japanese agreement published in India. Then, further, it says:

"Regarding this, the Finance, Agriculture and Commerce authorities held that the tariff of this country is based on the national economic policy and the policy of the protection of domestic industry and that it cannot be altered according to the tariff policy of other countries. . . . They also assert that the increase of the tariff on Indian pig iron in June last year was necessary for the realization of the plan of the steel works merger and for the control of the iron industry and a reduction of the tariff on Indian pig iron cannot be tolerated. They are likewise opposing the plan of allowing the importation of Indian rice" (*I hope my friend, Mr. Maswood Ahmad, will note this*) "when the importation of rice from Taiwan and Chosen is restricted for the protection of the farmers. They contend that according to the present treaties, only Californian rice and Siamese rice can be imported and Siamese rice is used only for the manufacture of cakes."

[Mr. B. Das.]

I just point this out, because the Japanese paper gave out that this Japanese Delegation met the Honourable the Commerce Member and his friends to discuss the whole of the Indo-Japanese commercial agreement. I should very much like to hear from my Honourable friend as to what happened to the other articles. I want to know whether rice was discussed and whether pig iron was discussed. In fact the Indo-Japanese commercial agreement saw the light of day on the 7th January and the Japanese Delegation raised a protest. I do not know whether that protest was justified or whether Japan thought that it could exercise pressure on the Government of India through the British Foreign Office, especially on my friend, the Honourable the Commerce Member. I want to know whether His Excellency Mr. Sawada raised the question of the new Tariff Bill. Of course I congratulate my friend, the Honourable the Commerce Member, for the very nice and suitable reply that he gave. The Government of India have no diplomatic policy. Whenever I see these replies, I feel "why use halting and faltering language. Why not hit out straight. Why not speak the truth", and my friend has not spoken the truth this morning even.

The Honourable Sir Joseph Bhoré: Does my Honourable friend charge me with having told an untruth?

Mr. B. Das: I did not mean that.

The Honourable Sir Joseph Bhoré: My Honourable friend must not judge me from himself.

Mr. B. Das: My friend must not expect us to believe that whatever the Government Members say are nothing but the whole truth and that they always say the whole truth. What I mean to say is that the Government are accustomed to concealing certain facts and that they do not like to reveal the whole facts. If my remarks seem to hurt the feelings of my Honourable friend, I shall then say that my friend has not placed all the cards on the table. That is my charge. If my remarks, however, hurt his feelings, I apologize, but I am emphatic in my assertion that the Government of India have never taken us into their confidence and have never taken the country into their confidence.

An Honourable Member: Probably it is diplomacy.

Mr. B. Das: Of course we, being public men, do not know what diplomacy is. We speak out the honest mind of the country. I do hope, when the Honourable the Commerce Member replies, he would tell us what actually transpired during the survey of the question of the commercial treaty and commercial conventions between India and Japan, and whether all these questions were discussed.

Sir, I should also like to refer to one or two more items. As regards the chemical industries,—of course we must be thankful for small mercies,—one or two small chemicals have been included in this Bill, but what about the clamour throughout India for the protection of the heavy chemical industries? I do not know if the Tariff Board's report on the heavy chemical industries was published, but I believe—and I may be corrected if I am wrong—it was not published nor was any help or succour given to the heavy chemical industries. Then there is this hosiery industry. My friend, Mr. Ramsay Scott, is here and he is flooding the press with a scientific

version of the scheme of protection that the hosiery industry would receive. I also have received a few telegrams and I am told that that industry has not at all been adequately protected from the Japanese menace. We may clamour, we may shout from this side, but as the Honourable the Commerce Member has pointed out, we cannot make any changes except what has been provided for in the Bill. Probably we may be allowed to reduce the rates, but that is no pleasure; that will not protect the groaning small industries that are today suffering from the inroads of Japan. Sir, I would like, with all due respect, to refer to the hard work that the Honourable the Commerce Member and his Department have done in producing this little measure, —and probably there will be other similar measures. But, with all that, I would like him to take note of the serious situation that the menace of the Japanese aggressive commercial policy has brought about not only for India, but for the whole of the British Empire. Only this morning or yesterday I read that in England they are also trying to confer and to find out ways and means of stopping the Japanese imports. But, in India, somehow the Government of India are afraid, and they want to proceed at a dead slow pace. Whether they are afraid to hurt the susceptibilities of the Japanese nation or those of others, I do not know, but they do seem to be afraid. I think my Honourable friend, the Commerce Member, will agree with me—and I am not laying a serious charge against him . . .

The Honourable Sir Joseph Bhore: I cannot agree with my Honourable friend on that point, Sir.

Mr. B. Das: I hope he will agree with me on one thing and that is that this Bill has brought to the forefront the importance of the question of the specific duties and *ad valorem* duties. Sir as one, noting day by day the effect of *ad valorem* duties on the purse of the Chancellor of the Exchequer in India, I do feel that the right solution for securing a full treasury for the Finance Member of the Government of India is to adopt more and more specific duties and that it will solve some of the problems which the Honourable the Finance Member is trying to solve and which this House will realise when he makes his Budget speech. I welcome the courage on the part of the Government of India in introducing specific duties and I do hope that in future they will be bold enough to introduce specific duties in respect of other items in the Indian Tariff Act so that a certain minimum degree of protection will be given to the small industries scattered all over India, and not only that, but that the Finance Member will be assured of a definite amount of receipts from the customs. Sir, with these few observations, I support the motion that the Bill be referred to a Select Committee.

Mr. Lalchand Navalrai: Sir, I must confess I cannot see eye to eye with my Honourable friend, Mr. Maswood Ahmad, over this Bill being sent out for circulation. It seems to me that that will serve no useful purpose and the reasons my Honourable friend placed before the House have not induced me to come forward and side with him with regard to this Bill being sent out for circulation. He did say that—rather, I won't say he exactly charged the Government—but he did mention that this Bill was being introduced to help particular manufacturers. Well, that may be, but I say that all these articles have naturally to be marshalled out readjusted and reassessed with duty if any agreement has been made with Japan. I take it, it is with that object that this Bill has been introduced in this House. I must at the outset say that it would have been better and wiser to bring this Bill after we had known what the agreement with

[Mr. Lalchand Navalrai.]

Japan was. Sir, certain articles are being protected, but we do not actually know what has been the actual agreement with regard to those commodities with Japan. We are absolutely in the dark and we cannot say whether we are going to be sufferers or going to be benefited by this enactment. One thing which has struck me with regard to this question and which is more or less an answer to my Honourable friend, Mr. Maswood Ahmad, in connection with the circulation of the Bill is this. The Honourable the Commerce Member gave us an assurance that he will keep himself open on the assessment of these commodities and with regard to their protection and to hear the industrialists in this country and also the importers if they have to make any representations affecting them. I hope that the Members of the Select Committee to whom this Bill will be sent will also allow the representations to be made from both sides so that they may arrive at a very just decision.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions Non-Muhammadan Rural): The Committee will have to report in a week: how will it be possible for them to do this? " "

Mr. Lalchand Navalrai: It is for them to get the time extended.

Mr. M. Maswood Ahmad: What about the consumers?

Mr. Lalchand Navalrai: There are certain associations of these consumers. There is the Indian Chambers of Commerce and there are other Associations, and they can be heard. If there is anything which is not equitable and just, they can come before the Select Committee and represent their case.

Mr. S. C. Mitra: Can all this be done within a week?

Mr. Lalchand Navalrai: I have already given the answer to this, namely, that it is for the members of the Select Committee to ask for the extension of the period. Occasions have arisen when extensions have been obtained. What I wish to say, therefore, is that it will serve no useful purpose if we are to delay the passage of this Bill although it would have been better if it had come before this House in its proper time, namely, after the Japan agreement had been considered by this House. Then, Sir, I find that this Bill is so copious and there are so many articles and commodities in it that one is at a loss to understand whether a particular item of commodity or minor industry is going to be affected or not. At any rate, there is one matter in my hands about which I am in dark and whether it comes under the purview of this Bill or not I do not know. I have received representations from local industrialists with regard to an industry which is called the cocoanut oil industry. There is the cocoanut oil industry in India and there is the copra commodity which is being imported and also being produced in India. I do not know whether copra and cocoanut oil which has at present been receiving protection is being affected by this Bill or not. There are so many articles mentioned in the Tariff Act, but I have not been able to find cocoanut oil and copra separately mentioned. I looked into the Bill itself and I do not find it there also. I want to be enlightened with regard to this point, because I have received representations to the effect that they are being very much prejudiced by the Tariff Board.

The Honourable Sir Joseph Bhoré: No, Sir. Neither copra nor cocoanut oil comes within the purview of this Bill, but, with your permission, might I make a statement here which might help to remove my Honourable friend's difficulty. I fully recognise the difficulty he has pointed out and I propose henceforth in dealing with complicated tariff measures to have a statement drawn up which will show quite clearly to individual Members of this House the article concerned, the existing rate of duty and the proposed rate.

Mr. Lalchand Navalrai: I am very much thankful to the Honourable Member for having taken up this suggestion and, in future, I think there will be no occasion to complain nor shall I have the trouble of going so minutely into these Bills and asking my Honourable friend whether a particular item is there or not. But with regard to copra and cocoanut oil, I will only make a passing remark.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair

Mr. Lalchand Navalrai: The other thing to which our attention had been drawn by Mr. Maswood Ahmad was with regard to the sugar factories. I have always seen the Honourable Member having at heart the welfare of the Indian industry and I was at a loss to understand that an Honourable Member of his type should speak disparagingly of the sugar factories. I have found the Honourable Member advocating the welfare of Indian industries, and I do not understand why he was getting jealous of the sugar industry thriving. India is a great cane producing country and it can supply any amount of cane to meet the demand of sugar in this country. We cried aloud that the small sugar factories which in olden times existed in every field had disappeared. Now, when the sugar factories have been re-started and when they are yet in their infancy, the fact that an Honourable Member of this House should come forward to speak disparagingly of them is a matter for regret. I do not think he really meant anything, perhaps, he only wanted to draw the attention of the House to some particular factory with which he was dissatisfied. Anyway, we know unfortunately the sugar factories in Bihar have suffered terribly by the recent earthquakes. Protection ought to be given to the sugar factories and I do not think the Honourable the Commerce Member should take it very seriously if an Honourable Member on this side of the House happens to say that sugar factories have been given an undue advantage. On the contrary protection is necessary in order to make India not to send for any sugar from Java or other places. That is a point to which I want to draw the attention of the House.

I said that this Bill was copious and I also said that this Bill related to several articles. May I also say that this Bill is very important too. I certainly agree that this Bill should go to the Select Committee. I do not differ on this point, but I must strike one note and that is that the time given for going through such an extensive Bill which contains so many articles is not adequate. Complaint has been made to this effect by Mr. Mitra that seven days would not be enough to scrutinise such an important

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Bill. I think there is a great force in that complaint. I would request the Honourable the Commerce Member to give some consideration to this point and I would also request the members of the Select Committee to go exhaustively through the provisions of the Bill and then make a report. I have one word more to say with regard to the consideration that Bills generally receive at the hands of the members of the Select Committee. I do not refer to any particular case, but I must say generally on account of want of time or on account of the fact that certain papers are not in the hands of the members of the Select Committee or for some other reasons some of them do not take much interest in the deliberations of the Select Committee. I have been a member of several Select Committees and I have found that some members do not give as much attention to the subjects that come up for discussion in the Select Committees as they ought to. I, therefore, request the members of the Select Committee in the present instance to take keen interest and bring out the Bill so well considered that the House may not feel any difficulty in giving its assent to it and the Members voting without any question.

Now, Sir I find from the Statement of Objects and Reasons appended to the Bill the following:

"In fixing the levels of the proposed minimum specific duties the following considerations have been kept in mind:

- (a) the necessity for adequately safeguarding the Indian industry concerned, and
- (b) the desirability of avoiding as far as possible any increase in the *ad valorem* incidence of the duties on goods the competition from which does not constitute danger to Indian industries."

This principle is very good and it sounds very well on paper, but I hope it will be applied in practice. I hope that attention will be given to this principle by the members of the Select Committee. There is one thing, however, I wish to bring to the notice of the House. These are days of depression and it is, therefore, necessary that a large amount of protection should be given to Indian industries. With that view, I submit, grave consideration should be given when any particular protection on any particular articles has to be reduced. I have in my hands a representation from the Karachi Shippers and Buyers' Chamber and the Indian Merchants Association. They refer to copra and cocoanut oil. In their representation, which, I think, they have also sent to the Honourable the Commerce Member, they have supplied an instance where, in fact, this principle enunciated in the Statement of Objects and Reasons has actually not been applied by the Tariff Board. They say that copra has been getting protection at present of Rs. 10 per cwt., and cocoanut oil a protection of Rs. 15-8-0 per cwt., and I ask the Honourable the Commerce Member to apply the principle laid down in the Statement of Objects and Reasons and find out whether the Tariff Board is right in reducing that protection. I find that they are now proposing to reduce that protection to Rs. 12-8-0, a reduction of Rs. 3 at once. So much so that the Shippers and Buyers' Association, Karachi, and the Bombay Merchants think that it may really be a mistake in figures. This may ruin the cocoanut industry in India. You know there is a good deal of cocoanut grown in Southern India, in Bombay and Karachi, and if the protection is at once reduced from Rs. 15-8-0 to Rs. 12-8-0, where will this industry be and where will be our cocoanut oil? If that is the index, it will be stultifying the objective mentioned in the Statement of Objects and Reasons. Then, take copra. At present the protection is Rs. 10 and they are reducing it to Rs. 9 though the proposal before the Tariff Board was for Rs. 9-8-0.

There is, however, a representation made to the Commerce Member by the Karachi Buyers' and Shippers' Association with regard to this reduction in the protection on copra and cocoanut oil.

The Honourable Sir Joseph Bhoré: I do not think my Honourable friend realises the fact that neither copra nor cocoanut oil is included within this Bill.

Mr. Lalchand Navalrai: I am conscious of that, but I am at present discussing the principle which has been enunciated in the Statement of Objects and Reasons. I am only giving an instance of how the Tariff Board acts though this particular matter may be now on the anvil of the Tariff Board or of the Commerce Department itself and will have to be considered by the Commerce Member. But I am saying that if the Tariff Board is doing things like that as to bring down the protection from Rs. 15-8-0 to Rs. 12-8-0, it will be ruinous. So far as this Bill goes, I have no objection to its going to Select Committee, but I would request the Commerce Member and the members of the Select Committee to see that proper protection is given to Indian industry and Indian Commodities.

Then I come to one other matter and I have done, and that is with regard to the present price-level of commodities in India. I think the Commerce Member in his speech made a reference to this price-level. I did not exactly follow what he said, but if he said that the price-level of 1931 has to be maintained, then that is a matter to which I should demur. At present the prices are very low. The agricultural prices specially have gone so low that not only the agriculturists, but the industrialists and almost all others have been affected. I will give an example. I am a lawyer, an advocate. When people engage me and I ask for my usual fees, they plead inability. They cry of the low prices and offer to pay in kind, in the shape of grain. But what can I do with grain when it does not fetch as much? If Government would take their assessment in kind, that would be some consolation to them. In ancient times, among the Mughals and Amirs in Sind, revenue used to be taken in kind, and if that system were re-introduced, that would be some relief. So, at present, everybody is affected and even the debtors cannot pay the creditors. So it is this country which wants help and protection and everything should be looked at from the interests of India and the Indian products.

Mr. M. Maswood Ahmad: Do you suggest that the price of all the articles mentioned in the Bill should be raised?

Mr. Lalchand Navalrai: No; I am saying that the price of grain should be raised. As regards the prices of other articles which are more or less luxuries, we do not care if their price is reduced. They will not help us at all, but what will help us is the produce of our land. We all live upon the produce that our agriculture gives; Government lives upon it and everybody else does live upon it. Therefore, we should raise its price. There is a cry from all corners of India for that.

With these remarks, Sir, I support the proposal for sending this Bill to the Select Committee, but I do advocate that care should be taken and serious consideration given when any protection is reduced.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I will say at the very outset that whatever measures

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we may adopt, we may not be understood to mean that we are acting against Japan. Our Government is on very friendly terms with the Government of Japan and the people of India are on very friendly terms with the people of Japan. But what we should like to advocate from this side is the principle which the Leader of my Party repeatedly advocated on the floor of this House, *viz.*, "live and let live". That is really the principle on which we are going to work, and if we impose any duty, it is simply on this principle of "live and let live".

Sir, when I came to this House, I came with a full determination that I was going to support the motion moved by my Honourable friend, the Commerce Member, but with a few observations; and one of the important observations that I wanted to make was as to the alternatives that he has suggested, either 25 per cent *ad valorem* or Rs. 1-8-0 per dozen duty on certain commodity. It has been pointed out repeatedly by several papers that this Rs. 1-8-0 per dozen works out to a taxation equivalent to something like 200 per cent or 240 per cent. Therefore, the two alternatives of 25 per cent or 240 per cent, whichever may happen to be higher, remind me about the two questions that were set in an examination in a university.....

Mr. J. Ramsay Scott (United Provinces: European): What article are you talking about?

Dr. Ziauddin Ahmad: I am talking about hosiery.....

Mr. J. Ramsay Scott: Undervests? I think Sir Joseph Bhore gave the Japanese price as Rs. 1-13-0 a dozen: is Rs. 1-8-0 250 per cent on Rs. 1-13-0?

Dr. Ziauddin Ahmad: I am referring to the article printed in the *Star of India*, and my friend is welcome to read it. As I was saying, this reminded me of two alternative questions that were set in the matriculation examination of an Indian university. The candidates were asked to answer either of two questions: the first question was: "Reduce $\frac{8}{36}$ to the lowest fraction"; but the second was a big and difficult question of stock which was sufficient to frighten an ordinary school boy, by the mere wording. Like that we have got two alternatives, which appear very simple: either have Rs. 1-8-0 per dozen or 25 per cent *ad valorem* but this Rs. 1-8-0 per dozen has been worked out by those who are concerned with this as meaning 200 or even 240 per cent in many cases. This is the thing which I wanted to comment, but the speech delivered by my Honourable friend has entirely changed my opinion and I now very strongly support the motion of my friend, Mr. Maswood Ahmad, for the reasons I am now going to give.

Taxation is always imposed on certain principles. I can understand taxation in which the principle is the raising of revenues. Revenue duty is intelligible to every one. I can also understand to a certain extent the principle of retaliation—that is, you retaliate against those countries which wage against you an economic war by way of taxation. The question of imposing this kind of duty does not arise. I can also understand the principle of taxation on account of the depreciation of currency: that is, if the value of currency in a particular country has depreciated and the

Government lose revenue by charging *ad valorem* duty on articles which have been very much lowered in value in our own currency, then I can understand. The calculation of duty may be readjusted. For example, take a commodity on which 25 per cent. *ad valorem* duty is charged. It formerly costed 100 rupees, and it had to pay a duty of Rs. 25. But now its price has been reduced to Rs. 50 on account of the depreciation in the currency of the producing country, it will still pay 25 per cent. *ad valorem* or only 12-8-0 as customs duty, and thus the Government lose their revenue by Rs. 12-8-0. The Government may desire to restore the previous income by readjusting their tariff. This can be done more easily by fixing a rupee at standard value of exchange for the purpose of calculating custom duty and not at the market rate. Another principle of taxation is the protection duty, *i.e.*, a duty levied to protect particular industries. I will come to it later on. But the new principle of taxation which has been enunciated for the first time by my friend, the Commerce Member, and which will baffle every economist not only in India, but all over the world, is that you levy a customs duty in order to maintain the price level. My Honourable friend says "no", but I will just quote his own words which I put down: "Here we are not providing any protection for any particular industry, but we simply desire that the prices of manufactured articles should remain the same." I think these are the words which I took down when he was making his speech....

The Honourable Sir Joseph Bhore: I have no recollection of saying that. What I really said was that we were attempting to restore generally the fair competitive conditions that existed during a normal period; and I may make my position quite clear and assure the Honourable Member that, in fixing these rates that we have put into this Bill, we have allowed generally for the fall in prices.

Dr. Ziauddin Ahmad: Whatever he may have said and whether I understood him correctly or not is not very important, because the figures are there and they can be tested. I understood from the speech of the Honourable Member that these duties have been fixed with that object alone that the price of these commodities in 1934 should be the same as in 1931; and he gave the figures in his speech of the prices in 1931, in 1932 and in 1933, and he attempted to adjust the taxes in such a way that the prices of these manufactured articles in 1934 should be the same as they were in 1931. That is the underlying idea of the whole of this Tariff Bill. There is no question or opinion about it—it is a question of calculation only. Therefore, if that is the principle, I say it is an entirely new principle of taxation which the world did not know before, namely, that in determining the amount of revenue duty on a particular article you take into consideration the fact that the prices of various commodities should remain at a particular level. If that is the principle, I must say it is a novel principle. We have been demanding repeatedly that the prices of agricultural produce should be raised and then stabilised, but the Government always refused to consider it. The prices of manufactured goods have not been lowered to the same extent as those of agricultural produce. The real problem before our country is—how to raise the price level of agricultural produce in the country; the problem now is not to maintain the price level of manufactured articles, whether manufactured in this country or imported from outside. We demanded the reduction of ratio from 1-6 to 1-4. The Government refused it and

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brought out a new theory. I say, therefore, that if the idea is to keep up the price level of 1931 in the case of these manufactured articles, not only we in this House will oppose this Bill, though you may get it passed by a majority of votes, but it will be vehemently opposed throughout the country; it will be vehemently opposed by any person who understands economics; it will be vehemently opposed by the agriculturists who will say that the Government of our country pay no attention to the price level of agricultural produce, in spite of the fact that 75 per cent. of the population depend on it; they devote all their attention to maintaining price conditions of manufactured articles. When we determine the amount of taxation and fix the exact value of the duty, there is one point which we never consider, and that is the point of view of the consumer. Unfortunately the consumer class is very much disorganised, and, as they have no organisation, they have no representation: at present the consumers are represented in the person of the Commerce Member. I daresay that the Honourable the Commerce Member is a very bad specimen of the consumer, because he really does not know what are the articles purchased for his household, he does not know whether the price of the matches has gone up by one pice or not; probably these things are left to his servants, and, therefore, I daresay that, from the point of view of the consumer, he is a very bad specimen, and we ought to have a representative of the public to whom the raising of the prices even by a few annas or pies would be a matter for serious consideration . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Are we not representatives of the consumers?

Dr. Ziauddin Ahmad: I think you are the representatives of the taxpayers.

Sir Muhammad Yakub: Don't we all consume?

Dr. Ziauddin Ahmad: But you are as bad specimen of the consumer, as my friend the Commerce Member.

Sir Muhammad Yakub: What about yourself?

Dr. Ziauddin Ahmad: Perhaps not so bad. The consumer's point of view is not properly represented, and, therefore, it is very desirable that his point of view should be very carefully taken into consideration, and the consumer's interests should not be ignored simply because they are a very much disorganized body and their opinions are not sufficiently vocal and they are represented only by the Honourable the Commerce Member who really does not understand the feelings of very poor people to whom even one pice is a matter of very great consequence. Instances are not wanting when people commit murders for a few annas. Now, my friend, Mr. Mody, who is attempting to interrupt me is also a bad specimen from different angle. He is a representative of the Bombay orphanage which is popularly known as the Millowners' Association, and he also does not very much care for the feelings of the consumers . . .

Mr. S. C. Mitra: They are making large donations to the earthquake funds. They are not very bad this time.

Dr. Ziauddin Ahmad: Sir, there is one point more which we should not ignore, and in which consumers are very much interested. Suppose the price of an article without custom duty is one rupee; it is sold in the village markets for two rupees. The moment you put a duty of four annas on that particular article, then the price of that article in the village markets will not be raised to Rs. 2-4-0, but to Rs. 2-8-0, or Rs. 3-0-0 which is practically double, because, by putting 25 per cent. duty on any particular article, the profits of the middleman is proportionately increased, and ultimately the consumer pays double the amount, if not more. I pray that the consumer's point of view should not be ignored, because the imposition of the duty would not merely mean a slight increase in the market prices, but they will be increased by an amount which may be three or four times the customs duty imposed on the article. Some people may argue that if we put these high prices, a large number of people might give up the use of that particular article, they will be content with what we produce in the country, they will use what is manufactured in the country, and thus India will be able to stand on her own legs, and we should not import anything from outside. This theory may look very nice on paper, but I for one would certainly never advocate it, and we would not follow this theory if we could; and we could not follow it if we would. We really form part of the whole of the civilized world and we cannot exist for ourselves, and we must move in harmony with other countries. Secondly, we have to pay 73 crores to the United Kingdom in different forms, and this we can only do by the sale of our goods to the outside world, and, therefore, we cannot support the theory that India may be a self-supporting country. Some of the countries which are not debtor countries may advocate this particular theory, but we in India unfortunately cannot do so.

Now, I come back to the protection duty. What is its significance? We request the consumers to pay donations so that a particular industry may be established in the country and it may provide living to such persons who otherwise would fall back on the charity of the earning members of the country. This, I consider, is the principle of the protection duty. This protection duty is the same as we practise in family, but on a larger scale. Supposing a relative of yours is not in a good position and you give him some money and ask him to establish a business. He starts that business and he stands on his own legs and ultimately repays it. You would help only such persons who live economically. The protection duty must satisfy the five conditions which I shall presently enumerate, and unless these five conditions are satisfied, no protection duty is justified

Mr. S. C. Mitra: It is not paid as a protection duty by Government.

The Honourable Sir Joseph Bhoré: I made my position quite clear. Mr. Mitra is perfectly right. I stressed the point with all the emphasis I could lay on it, that substantive protection was not being given.

Dr. Ziauddin Ahmad: Is it a revenue duty if it is not a protection duty?

The Honourable Sir Joseph Bhoré: I explained, Sir, and I took some trouble to explain that this was not a Bill intended to give substantive protection to any industry. It was merely intended to afford temporary shelter to industries that were suffering from abnormal conditions which were caused by abnormal factors.

Dr. Ziauddin Ahmad: Sir, this is a thing which is entirely novel to me, that is, you are not going to give any substantial protection to any industry, but you are going to give a temporary shelter. It only means that you are going to tax the poor consumers to an enormous extent which he cannot afford to stand, and for what? For wastage. Not for the establishment of an industry, but for allowing it to linger one or two years more. Protect or don't protect. Protect adequately, so that they stand on their legs, or say frankly that don't waste energy and money. If it is a revenue duty, I can understand the position; if it is a protection duty, I can understand the position; but if it is a peculiar kind of duty which, in plain words, is intended simply to raise the price level of the manufactured articles to the 1931 level, then that is a principle I would strongly challenge.

Mr. S. C. Mitra: You should take into consideration the fall in the level of the prices also.

Dr. Ziauddin Ahmad: I appreciate protection to an industry which can stand on its own legs, but if you afford protection, even though it is temporary, to an industry which is not likely to stand on its own legs with your inadequate protection, then it really means that you are taxing the poor consumer unnecessarily. The protection should be given and given adequately to an industry which is likely to stand on its own legs. My second condition is,—and here I agree with my friend,—nobody should ever advocate any protection duty of a permanent nature; it should be temporary, a period of five to seven years is sufficient, and in exceptional cases it may be extended to 10 years, but to go on keeping the protection duty for an indefinite period is a great injustice to the consumers.

Then, the third thing is, the protection duty should be given for the benefit of the poorer people; it should not be given for the benefit of the millionaires. For instance, we have seen in the case of the sugar industry,—and that was the point raised by my friend, Mr. Maswood Ahmad, and probably misunderstood by my friend, Mr. Lalchand Navalrai—that in the case of the protection duty to the sugar industry it is not the small cultivator who is being benefited, but it is really the capitalists who have set up the machinery who are being benefited by it. . . .

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhaimadan Rural): Question?

Dr. Ziauddin Ahmad: My friend, Mr. Jadhav, says question, but my answer to him is that these mills are making a profit of 50 to 150 per cent. If any business under protection is making such huge profits in these hard times when Banks don't give you more than two per cent., then is it justifiable to afford protection to such an industry? My friend, Mr. Jadhav, may say that he is himself a shareholder and he knows how much he gets. . . .

Mr. Lalchand Navalrai: How can that thing be avoided?

Dr. Ziauddin Ahmad. Then, Sir, these people are paying very un-economic prices to the sugarcane growers. Therefore, we are giving this protection really for the benefit of the capitalist without giving a corresponding advantage to those persons for whose benefit this protective

duty was sought to be levied. The fourth condition is that the duty should be to such an extent that it may not involve any hardship to the consumer. However disorganised the consumers may be, still they are an important body, and their interests cannot entirely be overlooked. Take the case of protective duty on sugar. Before this duty was levied, the prices of *gur* and sugar were not abnormally different; the price of the one was approximately double of the other. But now the price of sugar is more than four times the price of *gur*, and this shows that the price has been artificially raised. The fifth point is that we should not violently upset the trade.

These are the five principles which I suggest we ought to follow in levying a protective duty, and unless these principles are observed, I do not see that there is any justification for putting on any duty whatsoever except for revenue purposes, and in that case it should be done in a regular manner on the occasion of the Finance Bill.

There is one serious, and I may say, unpardonable omission for which this House and the Government of India are responsible. We think that we have done our duty if we simply pass an Act imposing a protective duty. Take the case of steel, sugar, and other articles. We simply imposed heavy duties and taxed the consumers, and we thought that we had done our duty. But that is not enough. We ought to see, from year to year that the duty that we have imposed is being utilised for the benefit of the poorer people and that it is not unduly harsh on the consumers. Here the Government of India have no machinery to judge for themselves whether the duties that we have imposed is benefiting the poor people and not the capitalists alone. Therefore, I would suggest that whenever any duty is imposed, it is very desirable that the Government should have some machinery by means of which they can judge for themselves that the capitalist is only getting a fair return, say, about four times the bank rate of interest, and not an abnormal return, and that the poorer people are benefited. Poor cultivators bring their canes to sugar factories and they are compelled to stand near the factories for several days in order that the weight of the cane may be diminished, and ultimately the cane is sold at a price which is less than that of fuel. If sugarcane is purchased at a price lower than the price of fuel, then it is not a right thing in the interests of the poor cultivator. I have repeatedly drawn the attention of the House to the fact that the Government of India shove their responsibility on to the Local Governments. We are responsible for taxing the people; we are responsible for putting these capitalists in a privileged position; we are responsible for putting the consumers and the poorer people in a very disadvantageous position; and still we shove the responsibility of bad consequences to the heads of Local Governments and feel that we have fulfilled our duty. It is our duty and the duty of the Government of India to see that the privileges of protection are not misused, that persons for whose benefit this protective duty is levied do not suffer.

I now come to one or two items, though I do not like to discuss them in detail because we may possibly have an occasion to discuss them later on, but I should like to make a passing reference to them. First I take the case of hosiery. I notice from the values given by the Finance Member himself that the duty on certain articles works out to 240 per cent. I think he said ten pices per dozen is the value of certain vests. . . .

The Honourable Sir Joseph Blore: My Honourable friend is mixing up undervests with lead pencils. (Laughter.)

Dr. Ziauddin Ahmad: I am not confusing the two. Lead pencil I will come to later on, but I am discussing

The Honourable Sir Joseph Bhoré: The Honourable Member is undoubtedly confusing the prices. Ten pies was the price I gave for a dozen lead pencils.

Dr. Ziauddin Ahmad: The price of a child's sock is ten annas per dozen and even less, and, therefore, to put a custom duty of Rs. 1-8-0 per dozen on that article would work out to

Mr. J. Ramsay Scott: The duty on socks is not Rs. 1-8-0; it is 10 annas.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): You go on with your arguments, never mind the facts. (Laughter.)

Dr. Ziauddin Ahmad: In proof of what I say I may refer you to an article in the newspaper the *Star*. There it is worked out that the customs duty at prevalent prices on board the ship works out in certain cases to 240 per cent.

Mr. J. Ramsay Scott: How do you work out your 240 per cent?

Dr. Ziauddin Ahmad: I quote from the *Star of India*:

"In the first place, it should be noted that the proposed tariff of 25 per cent. or Rs. 1 8 0 per dozen whichever is higher, which has been levied on goods such as cotton vests, may not appear very heavy duties, but as very large quantities of these goods are landed in India for manufacture at c i f. rates of about 10 annas to Rs. 1 8 0 per dozen, the duty as now imposed means an immediate increase from 10 to 240 per cent."

This is really the basis of the thing that I have mentioned. I think that the import duty which is to be levied is not really desirable. I do not want to go further into the details of the theory of protection as my Honourable friend has admitted that he does not mean to protect any industry. I would otherwise have pointed out that it does not give employment to as large number of persons as the persons engaged in distributing these goods and here I have got a letter dated the 8th July, 1933, in which this thing was brought to the notice of the Commerce Member. The figures were collected from the various provinces and in the Central Provinces it was discovered that only 47 persons were employed in the hosiery industry.

Mr. J. Ramsay Scott: How many people were employed in the United Provinces which is the centre of the industry?

Dr. Ziauddin Ahmad: I have got the figures for the Central Provinces here. In reply to a question, the Honourable the Commerce Member said that only 23 per cent. of the total consumption is made in India and the rest is imported from outside. If we are giving protection, we must see that we produce a very large amount of the manufactured articles. If the output is not increased substantially, then to tax the consumers for the benefit of this 23 per cent., is unnecessary and without justification. The Honourable the Finance Member pointed out that the number of imported articles was increasing very rapidly, but in this case there is

no question of dumping. Now the poor people have begun to clad their children with undervests. The moment the prices of these go up, these poor people will go back to a state of nature and will never be able to use vests for their children as they are now using in the villages. For agricultural labourers, even one anna is a matter of great importance, and the moment you raise the price of these vests, they will give up using them altogether and the sufferings of these people, especially in the case of children, will be very great. It will be a misfortune to them, and no help to our industry. I would have strongly supported, had protection increased the hosiery industry and made it stand on its own legs.

Now, coming to the question of pencils to which my Honourable friend referred just now, he knows that education is now spreading rapidly in the villages. In the country places a large number of schools are being established and they use the cheap pencils. Actually the teachers ask the pupils to use pencils instead of the old form of wooden board and chalk. These poor people now buy these cheap pencils. My Honourable friend said that these pencils cost 10 pies or 10 pice per gross?

The Honourable Sir Joseph Bhoré: Ten pies a dozen.

Dr. Ziauddin Ahmad: These pencils are not used by respectable persons. I think the Secretary of the Legislative Assembly never uses them. They are never supplied to us. These are the pencils used by poor villagers. Increase in the price of these pencils will not improve our home industry, but it will substantially affect the poor school boys in our villages and, as a result of this, the cost of education may increase.

I will now mention one more article,—the sugar candy. I pointed out early last year that there had been some mistake in the omission of sugar candy altogether in the Tariff Act, and I said that we were losing very heavily on this particular article. I pointed out that we had already sustained a loss of Rs. 82,000, and if immediately relief was not given, most of these factories would be closed. This is exactly what has happened. I myself inspected some of these factories. I counted as many as 24 in May, but a fortnight ago, only two were in existence. The rest had been shut up on account of the indifference of the Government of India. Had this duty been imposed at the right time, this industry would have survived. Now, most of these factories have already been closed, and I am not sure whether the protection that we are giving is sufficient to enable them to reopen those factories.

There is one point which is not very clear to me and that is whether the customs duty which is imposed here is with or without the surcharge of 25 per cent. Will there be a surcharge over and above the duties provided here?

The Honourable Sir Joseph Bhoré: No.

Dr. Ziauddin Ahmad: Then, in that case, I think this figure is not sufficient. This temporary relief, as my Honourable friend calls it, is no relief at all. Then, there is a small omission and that is in regard to soft sugar. Soft sugar is not mentioned here. That should be put in the same class as sugar candy, and I hope the Honourable the Commerce Member will take a note of this. Therefore, Sir, though I do not like to oppose the Bill, the incidence of taxation proposed here will not be

[Dr. Ziauddin Ahmad.]

acceptable to any class of persons. Manufacturers will say that the duty is not enough. The distributors will say that it is too much. The poor consumer will be seriously affected in this struggle. The duty, my friend, the Commerce Member, clearly says, is neither protective duty nor revenue duty. It is a peculiar kind of duty which will irritate everybody. We will find it out if we circulate the Bill, and hence I suggest that the Bill ought to be circulated. Sir, with these words, I resume my seat.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I would not have intervened in this debate but for one or two flagrant omissions in this Bill. But before I proceed to that aspect of the question, I must say that I am one of those who fear that we are making too much fetish of this kind of protection, and, from the consumer's point of view, I am afraid we do not know where it will land us. Sir, the income of the ryot, especially in the place where I come from, has been reduced to one-third of what it was; so it is not fair to deprive the consumer of the benefits of a reduction either by competition or otherwise in prices. Now, by imposing this kind of protective duties, you are precluding him from enjoying the benefits of the reduction in prices and compelling him to pay more. Inasmuch as the Government have decided to go on with this Bill, and if, however, the Assembly is inclined to help the Government, I do not propose to enter into the merits of that aspect of the question now. I only wish to point out that while we are rendering help to some of these nascent industries, it is but proper that the claims of others equally deserving should not be overlooked. Representing as I do my constituents, I should thank the Government for including in the schedule some of the industries in which they are very much interested. Sir, I find there are four industries connected with my constituency which will be helped by the provisions of this Bill. First, the fish-oil industry (which is practically our monopoly), then the cotton hosiery and socks industry,—throughout Malabar and the west coast there are several factories where these things are manufactured. Another item is the soap. Now, with regard to that industry, we are the greatest consumers of that article, and, of late, started several soap factories, the Government of Madras giving the lead. Then comes the tiles. In the whole of the west coast, there are heaps of tile factories, and the protection proposed to be given will certainly be a kind of help to those people. Representing as I do these classes of people, I must certainly be thankful—quite apart from my own opinions—to the Government for the small mercies that they are showing to them.

But, as I said, the one important industry which the Government have totally ignored is the yarn industry. Sir, you know there are several cotton spinning mills in Coimbatore, Madura and other places. There is one mill in Calicut, called the Malabar Spinning and Weaving Mills. Most of these factories confine themselves to spinning. There is an important mill in Madura managed by Messrs Harvey which have about five lakhs of spindles and that is perhaps the biggest spinning concern in the world. I do not think even in England there is such an efficient factory as that. In Coimbatore, there are three or four important mills of which you, Mr. President, know more than I. Then, in Malabar also, there is a very large mill which has been in existence for more than forty years. Sir, the money invested in these mills amounts to several crores of rupees, the capital and the other things of the Harvey's alone being about Rs. 3 crores . . .

The Honourable Sir Joseph Bhoré: Does my Honourable friend know what dividends the Madura Mills have been paying during the last three or four years?

Mr. K. P. Thampan: They used to pay fairly decent dividends, but of late there has been considerable reduction.

Mr. H. P. Mody: It came to Rs. 30 lakhs last year.

Mr. K. P. Thampan: But the mill in Malabar is not paying any dividend. So also the mills controlled by Stanes and Company in Coimbatore have not paid any dividends and the shares are depreciated by 50 per cent. I can quote other instances also.

The Honourable Sir Joseph Bhoré: My Honourable friend referred to the Madura Mills. On looking up the Investors Year Book, I notice that that particular mill to which my Honourable friend referred paid in the last four years dividends of 24 per cent., ten per cent., 10 per cent. and 10 per cent.

Mr. H. P. Mody: Does my Honourable friend take it on the block or on the capital?

Mr. K. P. Thampan: What about the Malabar Spinning Mills, the Coimbatores, the Combodia and Sitaram Mills? Has my Honourable friend looked up the dividends of these companies also? Well, these mills are supplying yarn to the millions of cottagers who carry on a large weaving industry in South India. Sir, I have seen in a report of the Industries Department of Madras that cloths made by the cottagers are exported outside the Madras Presidency to the extent of over two crores of rupees in a year. This is not a small sum, and if such a large industry as that is made to suffer, it would be a distinct disservice to the country. Sir, I am told that on account of the competitive prices, particularly the prices of Japanese yarns, these cottage weavers are going in largely for foreign yarns of late. I want the House to look at the export and import figures. I find that between the years 1931 and 1933, that is, in the course of three years, the export of cotton yarn has fallen from 23½ millions to about little more than 17 millions; that is, during the course of three years, the export of yarn has been practically reduced by one-third. India was producing yarns not only to meet her own demands, but was also a large exporter. In the case of imports, Japan alone has increased her yarns by 300 per cent. In the year 1932-33, Japan imported 18 million pounds of yarn, while, in the previous year, they had imported only six millions. Sir, if these are not sufficient grounds for the Government to interfere in regard to this industry, I do not know what other statistics they would require. Besides, this is an industry which gives employment to thousands of labourers in this country. Let me warn the Government that, by its inaction, they would be not only making the industry suffer but also make thereby the unemployment more acute. There are more than 32 items of articles of indigenous industries that are sought to be protected in this Bill. Now, I want to know, if the Government are of the opinion that the yarn industry is better off than any of these at this moment. That is a point which I wish to know. What are the figures which my Honourable friend wants in order to satisfy himself that this industry is suffering. I am prepared to

[Mr. K. P. Thampan.]

supply them. I ask him, how is the yarn industry less deserving of protection than the other industries? Is the fall in prices of the imported yarns as compared to those of other articles better?

What is the test you want? Sir, in this connection I wish to invite the attention of the House, before I conclude, to a statement that was recently issued to the Press by Messrs. Harvey as soon as the terms of the Indo-Japanese agreement was published. In the issue of the *Hindu*, dated January the 5th, Messrs. Harvey wrote as follows:

"With reference to the Indo-Japanese Cloth Agreement, and the Bill amending the Tariff on sundry articles, at present before the Assembly there is grave danger of the cotton yarn industry being left at the mercy of Japan and China as Government are apparently satisfied with their present achievements. Cheap yarns are still flooding the country and putting the spinning industry in a perilous condition. Cloth manufacturers are apparently blind to the fact that ultimately their business will be ruined also as small weaving mills with no spinning springing up, are taking advantage of cheap yarns and also harming hand-loom weavers. There is no use Government saying they will consider when passing orders on the Tariff Board Report as the latter has been in their hands over one year and in any case the situation has entirely changed since their deliberations by the Japanese Yen depreciation. The following telegrams have been exchanged recently between ourselves and Government, and as they show, no satisfaction has been forthcoming.

Proposed alterations to Tariff Schedule appear to ignore cotton yarns. We would impress upon you the grave necessity for immediate action to give the industry adequate protection against Japan and China. We would appreciate an assurance that the interests of the industry are not being overlooked."

To this the following reply was sent on the 2nd instant:

"The Tariff Board Report has been in Government's hands for one year but no orders have yet been passed. In view of the difficulties of trading in the past year this is to our minds inexcusable. In any case new circumstances have arisen since Tariff Board considered yarn duties, particularly the Japanese menace and it is vital if the spinning industry is to survive that adequate duties against Japan and China be immediately applied. Piecegoods manufacturers have already received preferential treatment many months ago and minor industries are now being cared for, while a major industry is being ruined. Please give the matter your earnest consideration.

Umbrellas and various other minor industries are benefiting by enhanced tariffs and time and energy are being expended in putting the Amending Bill through the Assembly. The addition of yarn to the list would occasion little further trouble. It is more deserving than the industries now being protected, with the possible exception of hosiery which is a large cottage industry and certainly requires assistance. It would really appear as if Government are using yarn to placate the Japanese—not very pleasant by any means for the innocent sufferers!"

Sir, as is stated here, the spinning industry is not less important than any other industry and I appeal to Government with all the strength that I can command, that they will reconsider the whole question and try to improve the position of that also. That is all I have to say at present.

Mr. B. V. Jadhav: Sir, I find that I cannot support the amendment moved by my friend from Bihar, Mr. Maswood Ahmad. It is, I think, intended to postpone the consideration of the Bill and to put off in that way the imposition of additional duties on the articles mentioned in this measure. It is a dilatory motion and, therefore, I have to oppose it. We cannot afford to postpone a measure of this nature. A tariff measure must be passed without any unnecessary delay if it is beneficial, and, if

it is not beneficial, it ought to be thrown out and no time ought to be wasted over it.

India is an agricultural country and the interests of the agriculturists ought to be looked to. The wants of this vast agricultural population are increasing and, therefore, industry ought also to be encouraged in order to satisfy these increasing wants. In former times, India was self-supporting, because the wants of her population were very moderate. Even in the case of clothing, it is well known that the people of India did not use much clothing. Many of them went with bare bodies. In Madras, I saw that generally the labouring classes have got a loin cloth only and nothing else. But they, too, on account of the prevailing fashion, are now putting on clothes like vests and thus satisfying their vanity. I do not think that, because of this excessive use of clothes, their health has improved. On the contrary, they are suffering in health; but we cannot help them. They will be vain and, therefore, they will put on more and more clothes.

India is an agricultural country and she produces abundance of foodgrains and also raw materials. It will, therefore, be foolish on the part of India to ignore her industries and to export her raw materials to foreign countries and to purchase articles manufactured from them. Sir, at present the agricultural population of India is suffering from economic difficulties, from cheapening of foodgrains as their produce does not fetch as much as it used to do before. Their purchasing power is almost gone and, therefore, trade and industry has been suffering. To make matters worse, other countries have taken very great strides in industry, and Japan especially has been dumping a large number of articles on the Indian market. The nascent industries of India find it very difficult to meet this competition and they have been petitioning Government to take compassion on them and to protect them by raising a tariff wall. You know that many cases were referred to the Tariff Board for examination and their reports are now before Government. I congratulate the Honourable the Commerce Member on bringing this Bill before the Assembly, as it proposes to give protection to a number of articles. It is well known that Japanese competition has been very severe on account of the depreciation of the yen. Japan has depreciated her currency and, therefore, she is thriving in her industries, especially in her exports. America is also following in the footsteps of Japan. America is sacrificing millions of dollars in order to depreciate her currency and to regain her footing in the markets of the world which she has lost by this time. It is also well known that Japanese competition was very keen and now, in respect of certain articles, the American competition is becoming keener. I refer to the hurricane lantern industry in India. This industry was established 10 years ago and was doing well. After the close of the war, the Austrian and American competition became very keen and the industry had to pass through very critical times. On account of the depreciation of the yen, Japanese lanterns began to be sold in the markets of India at a much cheaper rate and the competition became almost unbearable for the poor industry. To make matters worse, the depreciation of the dollar has come and American lanterns are sold even cheaper than Japanese ones. At the same time, it must be borne in mind that the quality of the American goods is a little superior to Japanese goods. The lantern industry in India is suffering a keen competition both from Japan and America. One would have naturally expected that Government would come to the help of this

[Mr. B. V. Jadhav.]

industry. Among the list of articles that are to be protected, we find glass chimneys and hurricane lantern chimneys. But that is not all. As a matter of fact, these glass chimneys have not to bear much competition. It is the other articles that are feeling the strain of foreign competition. For instance, the bottle making industry is passing through a crisis and the competition is very severe and one does not know when the few factories that are manufacturing bottles will close down. So also those making electric shades. There are certain factories which are turning out electric shades of very artistic design at a reasonable price. The competition from foreign countries is very severe in these articles and the industry is almost on the point of being crushed. But here in this Bill the Government do not take any notice of that industry. They are protecting articles in which there is no severe competition and are leaving out articles in which there is very severe competition. I am not unconscious at the same time of the claims of the consumers who are getting articles cheap on account of foreign competition. Whenever a tariff is proposed, the extra rise in the price is to be paid out of the pockets of the consumers. To that extent the consumer suffers no doubt. But the whole policy of Government is to take measures in such a way as to afford relief to one side and to close their eyes to the sufferings of the other side. For instance, when protective duties were imposed in order to encourage the sugar industry, no measures were taken to stop profiteering that was inevitable on account of the extra duties on imported sugar. We are now told that the sugar manufacturers are making 100 per cent. and 150 per cent. profit without giving anything to the poor cultivator who raises the cane. Government ought to have taken steps to see that no excessive profiteering was carried on. But Government look upon contract as sacred and they say that every one ought to be on his guard. The factory owners are well organised, but the cultivators are not. In this age, organisation always succeeds against disorganisation. It is the duty of Government to see that the agriculturists who supply raw materials to the factories are not taken unfair advantage of.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

In this connection, I should like to say a few words about the mill industry of Bombay. The mill industry has come for very severe criticism in this House on this and on other occasions. The millowners, who are also the millionaires, have been described by my Honourable friend, Mr. Ziauddin, as orphans. During the war and a few years thereafter, the millowners of Bombay were paying huge dividends of 80 per cent. and 100 per cent. to their shareholders. The Japanese also made huge profits in those days. But the millowners of Japan made proper use of those profits. They built good houses for their workmen and established hostels where good food could be served to them and where the working classes would live in very sanitary conditions. They invested a large portion of their profits in this way and now the Japanese millowners are reaping the harvest. Their mill hands are contented and receive proper education at the cost of the millowners and, therefore, they turn out very good work. As the cost of production has been lowered in Japan, they are able to sell cloth much cheaper than the Bombay millowners could do. Japan

is now in a position to dump her goods into India and in other parts of the world, not only on account of the depreciation of the yen, but also on account of their superior management and also the foresight they used when they made large profits. The millowners of Bombay, when they made huge profits, gave large dividends and they now find that they cannot meet this severe competition. Another Hogarth may paint in lurid colours his rake's progress of these days

(It being Four of the Clock.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order—
Sirdar Harbans Singh Brar.

MOTION FOR ADJOURNMENT.

RECOMMENDATIONS OF THE CAPITATION TRIBUNAL.

Sirdar Harbans Singh Brar (East Punjab Sikh): Sir, I move that the House do now adjourn.

Sir, on the 21st December last was published the report presented by the Tribunal appointed to report on certain questions in regard to the defence expenditure in dispute between the Government of India and the War Ministry and the Air Ministry. The report was signed as far back as January 1933 and it took the Government no less than one complete year to publish the report and to mutilate, if I may use the word, the passages as reported by the Tribunal itself. Neither is the report published *verbatim* nor the notes of dissent written by such eminent jurists as the Honourable Sir Shadi Lal of the Lahore High Court and the Honourable Sir Shal. Mohammed Sulciman of the Allahabad High Court. The two distinguished Chief Justices of two Indian High Courts who sat as members of that Tribunal and considered the matters brought before them in a most judicious manner were not considered efficient enough to use judicious language which could be produced *verbatim*, for the perusal of Indians as well as outsiders on such a vital matter of public importance, namely, the defence expenditure of India. Only summaries of the report and the minutes of dissent have been printed and published for our perusal, but even as published they give us enough material to show that India has not been treated as she was entitled to. India had pressed for a substantial contribution from the Imperial revenues towards the cost of the army maintained in India not only for Indian purposes but much more for Imperial purposes and for Imperial defence, which is more and more, since the war, drifting towards the east. It is now becoming apparent that the future war is more likely to take place in the east rather than in the west and the Indian army is likely to play a much greater part in the defence of the British Empire than ever before; and in such circumstances India's claim is much more strengthened than before.

As far back as 20 years ago, one of the most illustrious of British statesmen and the present principal adviser to His Majesty, the present

[Sirdar Harbans Singh Brar.]

First Lord of the Treasury, the Right Honourable James Ramsay Macdonald, stated in black and white that nine-tenths of the charge of the army in India was an Imperial charge, that it was maintained for Imperial purposes and that it had served in many theatres of war for Imperial reasons and in Imperial defence. He stated that other Dominions derived just as much benefit from the army maintained in India for their internal defence when a foreign power invaded them; and as those Dominions did not contribute towards its maintenance, India was entitled to receive the same generous treatment and the troops maintained for Imperial purposes must be paid by the Imperial exchequer and not by the Indian exchequer. Since the British Government took the direct administration of India into their own hands from the Company, the Indian army has been used no less than 14 times outside the borders of India for Imperial purposes, and even when it is used within its borders on the frontier, it more often than not serves the purpose of Imperial defence rather than of purely Indian defence, because the frontier of India is as much a frontier of the Empire and of British commercial interests as India herself.

Certain aspects of the case of India have been stated in very clear terms in the report and the minutes of dissent which should form the basis of the calculation as to what the contribution of the Imperial exchequer ought to be towards the cost of the army in India. It has been pressed on behalf of India that, as in the case of certain colonies a percentage of the total revenues has been fixed to be the maximum charge for the defence of those colonies, the same may apply in the case of India and the maximum that has been put is that 20 per cent. of the revenues of the colony may at the most be spent for the defence charges of that colony. Other considerations also were pressed, viz, that as the army in India is used and required and is likely to be used more for Imperial purposes than for Indian, at least half of the defence charges of India may be borne by the Imperial exchequer. Even if that was not to be accepted by the Imperial Government, it was stressed on behalf of India that the cost of maintaining British troops in India apart from the Indian troops may be wholly or in part borne by the Imperial exchequer. Half of that cost would amount, according to the figures produced before the Tribunal to about 18 million pounds a year. And if we consider the cost of the British troops alone, that would entitle India to at least 16 million pounds a year. Even if that ground be not taken to be sound, let us consider the difference between maintaining the same number of Indian troops in place of British troops which we now maintain; and even then we arrive at the fabulous figure of 10 million pounds a year. Instead of that we have been awarded a paltry sum of a little over a million sterling per year apart from the capitation and sea transport charges of £330,000. And that cannot be considered to be a figure to which India cannot be said to be rightly entitled. I must admit that as far as the Army Department of the Government of India was concerned or even the Finance Department of the Government of India was concerned, they have done their best to fight the case of India. The report and the minutes of dissent make it perfectly clear that even the India Office fought the case of India very boldly and strongly for fair treatment; and it must go to the credit of our present Finance Member that when he came to

this country, the War Office of the British Government was pressing for a claim of at least one crore a year from the Indian revenues and he has succeeded during his tenure of office in pressing that the matter be considered by an impartial tribunal and the merits of the case reported upon. And, in spite of the fact that we did not get even a decent proportion of what we are entitled to, he has at least secured for India two crores a year and he has left for his successor a contribution of no small sum, i.e., two crores a year, to be got from the British Government. But that is only as far as his efforts were concerned, and I have no quarrel either with him or with the Army Department of the Government of India for whom I have nothing but words of appreciation for the manner in which they pressed the claims of India. The Government of India and the India Office were the best judges in the matter, because they were the agents of Britain and the rulers of India able to understand the view points of both in a fair and impartial manner. Blood being thicker than water, their findings could not be called prejudicial to the interests of Britain, and unduly favourable to the interests of India. It is a different matter that the British Government, whom I stand to condemn, have not acceded to the claims pressed so strongly and so vehemently by the India Office and the Army Department. My quarrel is with the Government in Britain from whom we asked for a contribution and from whom we are entitled to get a contribution because they govern the policy as well as the number of troops to be maintained in India and to be used either in or out of India for Imperial purposes. It is the British Government from whom we are entitled to and from whom we asked for an additional contribution in one of the ways suggested by the two minutes of dissent appended to this report: that is, that either one-half of the total expenditure on the defence of India be borne by the Imperial Government, because the army in India is maintained for the defence of all the dominions like Australia and South Africa: if tomorrow there was a war between Japan and Australia, certainly Indian troops will be the first to be sent for the defence of the Empire. Why should not those dominions and colonies pay as much for the maintenance of these troops in India as India is paying, because the troops are for the benefit of all the dominions and the colonies? If those colonies and dominions are treated in a generous and fair way, that they must only pay for the troops which are maintained there for internal requirements, then India must be treated in the same manner. For the troops maintained here for Imperial purposes, only Britain must pay. I, therefore, consider that the British Government has treated the case of India in a most niggardly manner and has not been fair to us in the same way as it has been to the other dominions. India is entitled even at this late stage to ask for substantial relief in the charges of the maintenance of the army in India. Our ratio of expenditure to the general budget is the highest in the world not only in the British Empire, and that cannot be justified in any circumstances, because Indians are not responsible for the carrying out of the administration of their country: they cannot reduce expenditure: it is not within their power, because the policy and programme is dictated from Whitehall

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got only one minute more.

Sirdar Harbans Singh Brar: It is only Whitehall which should consider these things and give us adequate relief. Therefore, with these remarks, I move that the House do now adjourn.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Motion moved: "That the House do now adjourn."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, an adjournment motion moved in this House is a censure on the Government of the day; but as my Honourable friend has argued this motion, I find it is all in praise of the Government of India, and I think technically he will not be correct even to press it to a division. But yet I support his motion, because I think that there are some *laches* on the part of this Government also. We have got the decision of the judges in a report before us. I am not absolutely certain if the Government at home has accepted these recommendations in toto. So far as I see, the judges say that they are to give their decisions on points of law and logic and they are not to be guided by political considerations: they left it to the decisions of the British Government to consider their recommendations from the political standpoint. So it will be better for this House to have the opinion from the Government as to what is the final decision of the British Government. I may take it that they have accepted the recommendations in toto, because it is in the interests of the British Government to do so. One redeeming feature in this report, I find, is the very bold stand that was taken by the Honourable Justice Sir Suleiman in espousing the cause of India. He made it clear in several points how proper justice has not been done to India and why we can claim a larger share towards the cost of the Imperial defence in India. In page 9 of the Report, it is said:

"Another matter that we were invited to consider was India's capacity to pay the full cost of her defence including the contribution claimed by the War Office. The majority of us, Sir Suleiman dissenting, consider that this also, in the sense in which the claim is made, is not a matter which can be considered by the Tribunal."

Then, later on, it is said:

"The majority of us, Sir Suleiman dissenting, consider that the comparison of military expenditure with revenues is not a matter which should be taken into account by this Tribunal."

So practically we see that this Tribunal, with the honourable exception of Sir Suleiman, were of opinion that they had nothing to say whether the military expenditure in India should bear any proportion to the revenues of this country, and, if the army is maintained even for Imperial purposes and not for India's own interests, whether it should be shared by other dominions and Britain. It is very easy to conceive of an ideal army at an enormous expenditure. It may not be very difficult that one can make a programme for an ideal army with large expenditure. I do not understand why the Tribunal, consisting of the best judges in Britain and in India, could not consider the relevancy of this simple question. What is contended on behalf of India is that for her own purposes she cannot afford to have such a large army with such large expenditure. Our case is not that with a large expenditure a better army cannot be had. India's case is that she is a poor country, and her military expenditure should bear a certain proportion to her general revenues. If for Imperial purposes—a vast empire like the British Empire—a large army is required, then certainly it is the British Government which should contribute, and they are in a position to do so. But the whole of the Tribunal did not consider this very vital fact with the

honourable exception of Mr. Justice Suleiman. Sir, it may not be a legal point, but at least as a political point I think the British Government should have given some attention to this aspect of the question.

Then, at page 11, I read this in the Report:

"Sir Shah Suleiman does not concur in this paragraph, and considers it important to examine whether India is not bearing an unduly heavy share of the total cost of defending the Empire, and regards a comparison with other parts of the Empire as the practical method of determining that question."

Then I would refer the House to page 33 where Sir Shadi Lal also accepts this view. This is what he says:

"The statistics supplied to us also show that in respect of certain colonies, where British troops are stationed, the Imperial Government have adopted the rule that the cost to be levied from them should not exceed one-fifth of the total assessable revenue of the colony concerned."

Again, at page 37, Justice Sir Shah Suleiman's note says:

"For certain colonies it has been decided that no more than a fixed percentage of revenue should be recovered in respect of the cost of the defence forces provided by His Majesty's Government. . . . Military expenditure in India and India's internal and external debt have grown considerably. There is a great disproportion between the revenues devoted to military expenditure and those available for social services and the burden of military expenditure is unbearably heavy on a comparatively poor and backward country like India with the result that her beneficial services are being starved on account of it."

Therefore, it is clear that the British Government have one law for the colonies and a different law for a subject nation like India. As regards the colonies, the British Government accept the general principle that the colonies should not be asked to pay more than 20 per cent. of their revenues for military purposes, and if there is additional expenditure on the army, that is borne by the British Government; but in the case of India a different law must prevail, because India is supposed to be an original member of the League of Nations and claims to be a self-governing dominion of the Empire.

Then, at page 12, I find this:

"During the hearing it was agreed by Counsel for all parties that the Tribunal should not be asked to deal with the past, but only to make recommendations in the nature of principles for guidance in the future, leaving all adjustments to date to be negotiated between the parties."

After the decision it was found that we on India's behalf will get about two crores of rupees, and here I find that our Counsel agree with the judges that they should give no decision about the past, and the very impartial authorities, the British Government, in their fairness decided to let the past bury its past, because the money had to be given out of the British exchequer.

Then, further, at page 13, I find this:

"It is common ground between the parties that the scale on which the military forces in India are maintained in respect of numbers, composition, equipment, etc., is not greater than is required for the defence of India and the maintenance of internal security."

It is a very debatable point, and we in India do say that 58,000 British army is not necessary for the internal and external defence of India, but our Counsel make it a common ground—a happy House there—between the parties, the Counsel agreeing that it is necessary to maintain the present

[Mr. S. C. Mitra.]

strength of the army for internal and external defence of India. So my friend, the Mover of the motion, need have no grievance against anybody, but I think this is a matter in which we join issue, and we do not agree that there is common agreement on this question.

Sir, I should like to deal only with one other important matter, and that is about the Capitation Charge itself. On this point both the Judges from India were of one opinion, on the question that the charges of training for six months of British soldiers who were transferred to India should be put on the Indian Exchequer and not of 12 months, as claimed by the British War Office. At page 38, it is stated:

"Now, this very issue has been considered by no fewer than five Committees or Commissions, and the verdict has been either expressly or impliedly in favour of the shorter period."

All the five previous Commissions were more or less of the same opinion.

Then, again, at page 38 of the Report, it is said:

"The Government of India have declared in emphatic terms that, even if it takes longer than six months to complete the training of a soldier, they are prepared, nay, would prefer, to take recruits only with six months' training, and complete their training in India in accordance with Indian requirements."

So even the India Government were prepared to accept these soldiers with six months' training. Then, further on, we find this:

"It is not the case that the strength of a Home battalion is increased above establishment because of the Indian drafts. On the contrary, it is maintained at such a low strength that without the Indian drafts it would hardly be a battalion at all. The Indian drafts, while they are in a British battalion, help to some extent to make good its deficiency of strength."

Therefore, it is clear that even after six months, if it is necessary for the purposes of transport to keep the soldiers a little longer, they are retained sometimes in England for two or three or even six months more, and they serve in the British battalions as full soldiers and the British army get all the advantages.

On page 42, again, it is said:

"Now, Mr. Haldane, in his speech of 8th March, 1906, told us quite clearly what he contemplated. He said that in the case of war 'the reserves are called out to fill up the Home battalions and the drafts to India would be stopped, and thus we should have an effective fighting force'."

That is to say, in case of a war, they will be considered as British soldiers, and India will not get any advantage. On these grounds, when it was very clear, when even the India Government said that they would be satisfied with six months' training, I do not see any reason why the cost should be calculated on nine months' basis and not on a six months'.

My friend, the Mover, has already said that in considering this question we should see whether British soldiers in India are not maintained mainly for Imperial purposes, and, if that is so, that expenditure should be shared equally by the British Government as well as by the colonies, and during the last 50 years or more, it has been found that on 14 occasions Indian soldiers were taken out of India whenever they were necessary for Imperial purposes. Therefore, it is a very reasonable demand on behalf of India that a proper share of the expenditure should be borne proportionately by the British Government as well as the colonies and

also India. We had hoped that this point would not be entirely left to the discretion of the British Government, because they are an interested party, and, therefore, in fairness to themselves and to India, they should have asked somebody else to decide the point, because the Judges leave all points of political and other considerations, except questions of pure law and logic, outside their purview, and I consider that full justice has not been done to India in this matter, and India cannot bear such a large military expenditure on an army which is primarily meant for Imperial purposes. Sir, it is well known that the British army in India is not really an independent army

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got only one minute more.

Mr. S. C. Mitra: It only forms part of the British army. All the important matters of organisation and commands are dictated from England, and, it being a part of the British army, it is only fair that the British Government should bear the major portion of the expenses.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sir, I support the motion, though on different grounds.

Mr. J. Ramsay Scott (United Provinces: European): Mr. President, in my opinion and that of my Group, the award is an adequate one and one on which we may congratulate the Government of India and ourselves as taxpayers. I would like to put on record that our thanks are due to the Counsel for the masterly way in which they put our case and I think the obtaining of a yearly sum of over one million four hundred thousand from the British Government is an achievement of which they and we should be proud. I would also like to say that I consider that the British Government have treated us fairly on the terms of the reference. I have only one point on which I would like facts and that is an explanation of the terms of reference.

The Honourable the Finance Member, Sir George Schuster, on the 10th February, 1931, during the Budget, said:

"I should like to make it clear that we on our side have been careful to see that the Government of India's interests should not be prejudiced by this delay, and in discussions with His Majesty's Government on the subject it has been agreed that, whatever settlement should be arrived at should be retrospective and should date—I think I am correct—but I have not been able to verify it since this debate began—from the 31st March 1926. So that if we are able to obtain a reduction of payments, we are not losing by delaying now and we shall be credited with arrears."

Again, on the 4th November, 1931, in reply to question No. 1155, the Honourable the Finance Member, Sir George Schuster, said:

"As I informed the House when I made a statement in March, it has been laid down in our discussions with His Majesty's Government that any award which is given by this Tribunal shall have retrospective effect up to the date when this discussion was taken up in its present form."

The terms of reference did not preclude a decision on the retrospective effect, but the Tribunal itself said:

"During the hearing, it was agreed by Counsel for all parties that the Tribunal should not be asked to deal with the past, but only to make recommendations in the nature of principles for guidance in the future, leaving all adjustments to date to be negotiated between the parties."

[Mr. J. Ramsay Scott.]

The Report further says:

"The Memoranda furnished by the parties contemplate that some of the questions submitted to the Tribunal will, or at least may, make recommendations having, within certain limits, retrospective effect."

This Honourable Assembly would, therefore, like to know what effect has been given to Sir George Schuster's definite statements of the retrospective effect of the award and what recommendations the Tribunal itself made for a retrospective effect. I would only say that if the award does consider that a payment is due in the present and in the future, surely a payment is due for the period between March 31, 1926, and the present.

I would, therefore, ask the Army Secretary to explain the reason for this portion of the question being entirely omitted from the award and to ask if the adjustments have been negotiated between the two parties and with what results. I am, as I have already said, satisfied with the result for the present and for the future, but I do feel that the past has not come into the picture as it should have done.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammudan Rural). As regards the actual calculation and the conclusions arrived at by the Tribunal, I have not got much to say, but I strongly object to the premises upon which this report has been drawn up. In the beginning they say that there were certain conditions or certain arguments or certain suggestions that were put forward before the Committee which they hold to be irrelevant and they make a list of these irrelevant arguments in the beginning in order to clear the ground. I will take first the question of capacity to pay. I always thought that expenditure when money was available in plenty was certainly most reprehensible when there is no money at all, and it would be more reprehensible when a country like India in the choice words of the late Marquess of Salisbury has to be bled and bled white in order to serve the purpose of the Empire. The wisdom of the majority members of this Committee culminated in holding that India's capacity to pay is not a relevant condition at all. Now consider the position. India never had any hand in deciding as to what her military requirements were. Those gentlemen of the Defence Committee, those gentlemen of the War Office decide that a particular standard was necessary for the defence of India and then they incur the expenditure. These gentlemen sitting here say, we are not concerned as to whether you can pay or not, or to quote their own choice words,—"Given a certain necessary provision for the defence of India, what contribution should she make in the cost. We do not think that in apportioning the cost, we should be influenced by questions of comparative capacity towards shifting any part of the burden from the shoulders of one party to the shoulders of the other". It would look as if the parties were at arm's length that they had at one time sat down and agreed as to what should be the standard of the cost of defence, and, having enjoyed all the advantages of that defence, they now turn round and say: "Oh, no, at present I am not in a position to meet this cost, therefore please forgo a portion of the amount that otherwise you would be entitled to demand". That is not a position which you could even legally justify, because, though it is laid down by means of a decree that a man should pay the whole of the amount, tomorrow if he goes into insolvency I cannot get anything at all, or make an account, pay one anna or half an anna dividend,—that is, even in the case of strictly legal principles, where certain bases are admitted

before you come to a decision. But here there is nothing at all. One man and one man alone continues to be the plaintiff and the judge for a long time, and when by a concatenation of circumstances that man is compelled to consider the position and to see whether we are not entitled to be done any justice, he says: "No, no, it is true you may not be able to pay, but that is no consideration at all." I entirely agree with my Honourable friend, Mr. Ramsay Scott, that to have knocked out even so much as we have from the British Government, we are entitled to be congratulated upon,—there is no question about that—not in the sense that he said we should be congratulated,—but with that mentality of the British Government coming before this Tribunal it is a matter for congratulation that at least we got something, especially in view of the fact that committee after committee sat and said that we were entitled to some contribution or other and it is not till this year of grace that we were said we would get something. It seems to me, and I say it with all respect to the members of that Committee, that it is not a question of logic, or law, or judicial determination of any point. It is a question of bare justice, and if you cannot consider my capacity to contribute to the large expenditure, the unnecessary expenditure the unbearable expenditure to which you have put, that Committee has sat for nothing at all so far as India is concerned and we might have been saved all this trouble and expense. Another thing is, there was a point about political sentiment in India. These gentlemen say that political sentiment is a matter which cannot be taken into consideration, and here is their piece of logic.

'light is not made wrong'—(*philosophical position*!)—"merely by being thought wrong by a large number of people."

We go to them and say, let us consider which is right and which is wrong. These gentlemen say: "I know my position is right. Do you say it is wrong? No, no, it cannot be wrong, because I know it is right. What is the good of your saying it is wrong?" Their argument is "Two men say it. How can you assail it?" Besides there is a sting in the tail in that paragraph: "Nor has any evidence been placed before this Tribunal to enable it to gauge the strength or the persistence of this political sentiment". Sir, at the bar we are accustomed to an observation from the Bench in cases tried by jury, addressed to the jury—"Don't be influenced by what you have heard from outside. Come to a conclusion upon the bare evidence that is laid before you". But these gentlemen must be extraordinarily blind, must be extraordinarily deaf to what has been happening all these years in India if they did not know that, as a matter of fact, the one point upon which the Indian people feel sore, felt sore and will continue to feel sore so long as the present system continues is the unbearable character of the military expenditure. Now, they say no evidence has been laid before us. What did our Counsel, whom my friend, Mr. Ramsay Scott, congratulated upon the excellent manner in which they discharged their duties, do? They abandoned everything and agreed to everything by saying that both sides were agreed upon the vital points. May I respectfully ask, why these gentlemen, whom we did not retain, I do not know who retained them, did not themselves lead the evidence and press these gentlemen to come to the conclusion "There is this sentiment no doubt, but sentiment is ruled out of order and sentiment is entirely irrelevant so far as we are concerned". They have got the whip hand and they may say anything they like, but did we fail in producing evidence before that Tribunal and yet we are supposed to stand

[Raja Bahadur G. Krishnamachariar.] |

up here and congratulate these gentlemen, who, if I may respectfully say so, failed in their duty. Even in ordinary matters you cannot disregard political sentiment and in a big matter like this it should certainly not be disregarded and it would never be disregarded if there was sufficient evidence. "The dependent position of India." That is another gem of an observation by this Committee. Then it says "We are all agreed". I do not know whether it is the Indian Judges or the English people or both of them put together. Whoever may be the persons who agreed to this, I strongly object to the conclusion that they come to and this is the conclusion to which all these gentlemen have come: "We are all agreed that this is not a matter that ought to influence the Tribunal in considering the question what payments should be made by one party or the other." In negotiations between the two Governments, it would be quite natural and proper for India to say "We are not on terms of equality, we appeal to you to recognise this, and to deal with us not with the strong hand of the predominant partner imposing his will, but in accordance with principles of fairness and equity".

I suppose these gentlemen are lawyers. I suppose they are business men, men with some sense of equity and fairness. May I respectfully ask; "Is it a novel principle even in the administration of the law that a predominant partner or a person who uses his predominant will and imposes it upon another is not entitled to equitable relief at the hands of the Court?" Is it not a principle that the Legislature of India has accepted? In the Acts that are in progress or have been passed, you give the Courts power to reduce the rate of interest in a solemnly made contract between a debtor and a creditor, if that rate of interest exceeded what the judges may consider reasonable. Consequently, why do they say that the dependent position of India should not be considered. In fact, the whole issue is that. As I said, in the beginning, I never wanted this state of defence at all. You put it upon me. Now, you come and tell me that you are going to deal with this matter in a just fashion. The first thing to be considered is whether you will impose your will on me. I do not see that this transaction is a fair one. Bring it to a position of fairness now. I respectfully submit that that is what these gentlemen were appointed to discharge. But what did they do? They say that these are not the considerations that would weigh with them. Why? Sir Shadi Lal says—although we are not a judicial Tribunal we have got to do things in a judicial manner. Even Sir Shadi Lal, when on the Bench of the Lahore High Court, if a poor debtor goes to him and says that the interest is too much, he would be the first person to reduce it if the circumstances were such as to bring it within the ambit of this provision of law. He says that these things are not absolutely relevant to the consideration of the points that they had to consider. In spite of the handicaps that these gentlemen have created for themselves, they come to the conclusion that India has made out a strong case for a contribution. Supposing evidence had been led before the Tribunal, and supposing all the materials were placed before them. I respectfully submit that they would have come to a conclusion much more favourable to India. Sir, one cannot speak with restraint where the question of military expenditure is concerned, because the less that expenditure, the more there will be for the nation building departments as they call it. I am not a military man, but I know this as a matter of history. We

are told that we were fighting with each other before the British came. Fighting is part of the day's work throughout the world: so long as nations, calling themselves even Christians, make ready to go to war, so long as that mentality exists, war must come. Whether the North-West Frontier men would swoop down upon us and deprive us of everything that we have, whatever may happen, India has been in existence for a very long time. The first thing that we were taught in Indian history in our schools is that the wealth and importance of India has often attracted the attention of foreign conquerors. That is the first sentence in the first chapter of a history of India written by a gentleman of the name of Mr. Morris. I do not think, Sir, you have read it in your school. That was the text book that was taught to us. The wealth and importance of no other country attracted the attention of foreigners. We had the wealth, but we had not this army, this tremendous army and a Tribunal which sits and says: "Right is not made wrong, because hundred people say it is wrong". Why do hundred people say, my dear friends, it is wrong, is not understood.

Mr. President (The Honourable Sir Shanmukham Chetty) The Honourable Member has got one minute more.

Raja Bahadur G. Krishnamachariar: I do not think I will trouble the House any more. All that I was concerned was to show the depth of feeling with which we are actuated in respect of this matter. I do not care for personalities. We want that justice should be done and I decline to support my friend, Mr. Scott's congratulations upon the British Government except upon the view that I put forward. After all, we have been able to get something out of these people who were determined not to pay us anything.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I cannot help regretting that the Mover of this motion should have seen fit to bring this important matter before the House in this particular way. In the first place, an adjournment motion must always imply a censure of some kind, whether it be on the Government of India or on some other Government—and I for one am quite satisfied that, if anybody deserves censure in this case, which I very much doubt, it certainly is not the Government of India. In the second place, the subject is so large, the arguments that were produced before the Tribunal are so many, and the arguments that have been touched on by Honourable Members are so different that it is quite impossible for any Government Member in the time at his disposal to attempt to deal adequately with all of them. In fact a subject of this kind cannot be debated in two hours, in speeches of a quarter of an hour apiece. Therefore, I must use the time at my disposal to explain the position as briefly as I can and perhaps attempt to remove one or two major misunderstandings.

Now the general effect of the award of the Tribunal and His Majesty's Government's decisions thereon is, as Honourable Members have appreciated, that India stands to gain in future a sum of roughly two crores of rupees. That, Sir, is no inconsiderable sum, and that I think is really the most important point in a motion which deals with a definite matter of urgent public importance, namely, the adequacy of the contribution.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): May I ask one question? What would have India gained if the contention of the Government of India had been accepted in full?

Mr. G. R. F. Tottenham: That is impossible to say, because nobody put forward a definite suggestion as to what the amount of the contribution should be. As the Honourable Member will see, if he will read the report, neither the members who signed the report nor the India Office gave, or attempted to give, any assessment of the actual amount of the contribution. The report contains various suggestions as to the basis on which the contribution might be calculated, but it does not contain more than that.

Sir Abdur Rahim: It would have been much more?

Mr. G. R. F. Tottenham: Certainly. My friend, Sirdar Harbans Singh, has referred to the notes of the two Indian members of the Tribunal and has expressed dissatisfaction that those notes should not have been published *in extenso*. I think the suggestion was that an attempt had been made to suppress information which would have very much strengthened India's case for a larger contribution than His Majesty's Government are prepared to give. Well, I do not think that that is at all a correct appreciation of the position. These notes recorded by Sir Shadi Lal and Sir Shah Muhammad Sulaiman merely contained a very much fuller exposition of the case which was actually presented to the Tribunal by the India Office than the Tribunal itself gave in their report; but it does not mean that the arguments, which convinced Sir Shadi Lal or Sir Shah Muhammad Sulaiman and which they recorded in their notes, were not placed before the Tribunal itself. In fact, it is perfectly clear, if one looks at the notes themselves and at the report itself, that all the arguments brought together by Sir Shadi Lal and Sir Shah Muhammad Sulaiman *were* part of the India Office case. If Honourable Members will look at paragraph 12 of the report, they will see that India's claim *was* that the Army in India serves an Imperial as well as an Indian purpose, and so on; secondly, that other parts of the Empire do not contribute to the same extent to the defence of the Empire; and, thirdly, that the Imperial Government has a predominant voice in determining the cost and the organization of the Army in India. Turning on another page to paragraph 18, it is clear that the Indian case *was* that the Tribunal ought to weigh all the advantages which Britain gained from the defence of India, not only because the frontier of India was also a frontier of the Empire, but also because the protection of India comprised the protection of large British commercial and financial interests and assisted in the protection of Imperial lines of communication. Now, those are mainly the arguments that were summarised in the notes of Sir Shadi Lal and Sir Shah Muhammad Sulaiman as being, in the words of the Tribunal, "grounds for broadening the basis of the contribution" and they were, Sir, the India Office case before the Tribunal. In fact, I can assure the House that every argument which Honourable Members have produced today and every argument which is contained in these two notes was very fully and very ably placed before the Tribunal by our representatives. It is the opinion of His Excellency the Commander-in-Chief, who, from his long experience in the War Office as well as in this country, is probably in a better position than anyone to appreciate both sides of the case, that the success that we have attained is largely due to the very able and excellent way in which the case was put up, presented and argued before the Tribunal. That, I think, is a matter for congratulation and not a matter for censure—a matter for which we ought to thank not only our own invaluable Financial Adviser, Mr. Macleod, who went home at a very inconvenient time to help in preparing the case, not only the

Counsel employed, including Sir Jamsetjee Kanga of Bombay, who argued the case very brilliantly before the Tribunal, but also, I think, particularly the devoted officers in the India Office who wholeheartedly supported India's cause and identified themselves entirely with India's interests in this matter, quite forgetting that they were arguing a case which, if successful, would add considerably to the burden of the British taxpayer in general and to their own burden in particular.

Well, Sir, now I may say a few words about the actual amount of the contribution. The decision of the Tribunal being what it was, the Government of India were asked whether they were prepared to accept the majority recommendations of the Tribunal. Well, Sir, considering the issues at stake, considering that when we went before the Tribunal, we stood not only to win, but also to lose a great deal, considering that this controversy has been going on for sixty or seventy years—and I would remind Honourable Members that it is a controversy which the Government of India were fighting for many many years before non-official opinion took any interest in the matter—considering all these matters, I submit that there was only one possible answer to that question whether we were prepared to accept the majority recommendations of the Tribunal. It would have been sheer madness on our part at that stage to have started raising objections and haggling as to whether we should or should not accept the award. Now, Sir, acceptance of that position involved acceptance of the only two grounds which the majority of the Tribunal considered to be a possible basis or justification for the grant of a contribution. Those two grounds were, firstly, the readiness of the Army in India for war and the fact that that Army had on occasion been used for Imperial purposes, and, secondly, that India was a training ground for active service such as does not exist elsewhere in the Empire. Those, in the words of the Tribunal itself, were "ponderable grounds", but at the same time I think everybody will agree that it is an extremely difficult matter to attach a definite rupee value to them. The only possible basis of assessment which has apparently been suggested by Honourable Members is that the Army has been very frequently and very largely used for purposes other than the defence of India. But I think that if Honourable Members knew the actual facts, they would realise that that is not an extremely strong ground. The Honourable the Mover mentioned that there had been fourteen occasions on which troops had been used for purposes other than the defence of India. That goes back for over 70 or 80 years. Actually, the position is that in the last fifty years troops from India have been used for purposes other than the defence of India on only seven occasions, that is, once in seven years. Moreover, I think I am right in saying that on none of those occasions did the cost of the troops in any one year come to anything like 1½ million pounds. On that ground alone, therefore, it would seem to me that the contribution of 1½ million pounds is, on the whole, reasonable. Anyhow, we consider on this side that we are lucky to have got even as much as 1½ million pounds and that there is no ground for passing censure on anybody on that account.

At the same time, I am well aware that when this subject was last discussed in this House—I think it was in September, 1932—

5 P.M.

Sir Alan Parsons, who was then the acting Finance Member, and myself gave the assurance that if, after the report of the Tribunal had been published, this House desired to discuss the matter, they would be given an opportunity to do so. What we then had in mind, I may say, was the possibility that we should have to face an adverse decision and that we should have to pay an extra amount instead of receiving a large sum of money. However that may be, in view of that undertaking, we

[Mr. G. R. F. Tottenham.]

shall of course be perfectly prepared to send forward a copy of this debate to the India Office for the information of His Majesty's Government. I do not think I have anything further to say.

Sir Abdur Rahim: Sir, having heard the Honourable Member who has spoken last, I am confirmed in my opinion that this is a most unsatisfactory way of dealing with one of the most important questions that has ever been brought up before this House. I quite agree with the Honourable Member that this is not a matter to be debated on any Motion for Adjournment. We cannot have sufficient opportunity to deal with a question of this magnitude and of so much importance to the revenues of India, to the Indian exchequer and to the future development of this country. Further, we have not sufficient materials before us to come to any proper conclusion. Even the notes of the two Indian judges who sat on this Tribunal have not been given in full. We have got what is not only a summary, but a brief summary of their notes. If we had the full notes before us, I think we would have had some material upon which we could form a judgment of our own. The report of the majority is also very brief. We cannot really on this material come to the conclusion that the Tribunal's decision is a fair one and is in the interests of India. I find that at the beginning almost all the arguments that were put forward on behalf of the India Office have been treated as irrelevant. I should have liked, if I were there, to ask the learned judges what exactly was the standard of relevancy and what was the test of relevancy in a matter like this. They have not dealt with the question as to what are the real requirements of India in the matter of Indian defence forces. They say that this is a matter entirely for the military experts and they have nothing to do with it. Then, they have laid down at page 15 the grounds for contribution. If you will look at that page, the grounds for the contribution are laid down as two: firstly, that the Army in India is a force ready in an emergency to take the field at once which does not exist elsewhere in the Empire, which is especially available for immediate use in the East and which has on occasions been so used, secondly, that India is a training ground for active service such as does not exist elsewhere in the Empire. Now, what is the conclusion they draw from this? It is that practically India alone must pay for this army. It is a strange conclusion for any Tribunal to have arrived at. As regards the second ground, namely, that India is a training ground for active service such as does not exist elsewhere in the Empire, that refers to the frontier question, the relations with the tribes on the North-West Frontier Province. Upon that finding or statement of the Tribunal, which, I take it, is supported by the War Office of Britain, it would mean that that question is never going to be settled, that is, it cannot be settled because the Empire would then lose the training ground for British troops. Is that an outlook with which we can be satisfied? We have always had a feeling that this question can be satisfactorily settled once for all. Is it then the fact that it has not yet been settled because India is a training ground for active service which does not exist anywhere else in the Empire.

Then, Sir, other considerations have also been brushed aside as irrelevant. For instance, capacity to pay. May I ask: What about the interests of the rest of the British Empire which are involved in maintaining these troops in India? What is the value of that interest? What is the value of the defence of India proper? Has any attempt been made to evaluate these factors? None. I do not find any attempt throughout this report to evaluate the interests of Britain and

the rest of the Empire in the maintenance of these troops, and what is the interest of India alone? What is the value of these two interests? Without that, how can any Tribunal come to any proper conclusion as to what is the fair share for each country to pay? The Honourable Member, who represents the Army Department, has told us that if the claims of the India Office which is not ruled by any Indian and which is not controlled by us, had been accepted in full, the contribution to India would have been much more than what has been adjudged. That is to say, Britain would have to pay much more. We, the representatives of the people here, cannot but think that even if the case put forward by the Government of India—and it has been pressed by them for years—and the views of the India Office had been accepted in full—and no proper reasons are given as to why they have not been accepted in full so far as I can judge from the report—then India would have stood to gain far more than has been given to her. India is one of the poorest countries on this earth, and England is one of the richest. Why should not justice be done to India? India cannot develop anything in the way of national or social activities without more money, and year after year we have been crying that military expenditure from Indian revenues should be reduced to proper proportions. Here was a definite case for reducing very substantially the military expenditure which is borne by the revenues of India and that case, I am very glad to find, was put forward by the India Office and the Government of India. I believe the Government of India had been supported in this matter very strongly by the Honourable the Finance Member who, I am sure, did his best to have the case put fairly and squarely before the Tribunal. But two members of the Tribunal with the Chairman forming a majority thought that the arguments advanced on behalf of the India Office and the Government of India were practically all irrelevant. On the question of the period of training, for example, there can be no doubt whatever that Sir Sulaiman and Sir Shadi Lal gave very strong reasons indeed why the period should not exceed six months. Even that was put aside and a sort of compromise was arrived at between the claim of the War Office and the claim of the Government of India. This is not a satisfactory report and the reasons given in the award—I suppose it is an award of His Majesty's Government—are no more convincing than the report. They have simply accepted the majority recommendation where it is not unanimous. You find no argument there which in any way supports the case of the majority as against the minority. This is a matter of great importance and I ask the Government which put forward their case which is much stronger than the case which has been accepted by the majority of the Tribunal to place before us all the materials to enable this House to satisfy itself that the case of India was properly considered. We all thought that the Government would be inclined to give us a full day for discussion of this very important matter and even now I would press upon the Government the necessity of giving us a proper opportunity to discuss the matter and to supply us with all the materials. There must be notes of arguments of Counsel on both sides and why should we not have those notes so that we may judge whether the decision of the Tribunal is the one which ought to be accepted by us or not. No doubt, in our straitened circumstances, even two crores of rupees is a gain. The country whose financial position is what it has been for some time must be thankful for anything that it can get from the hands of the British Government. But that is another matter. What we expected the Tribunal to give us was not two crores, but to give us what is justly our due and we cannot come to any conclusion on that point unless we have proper materials before us. I would,

[Sir Abdur Rahim.] [

therefore, ask the Government to give us all the materials that are available to them, the full notes of the two Indian members of the Tribunal and notes of the argument of the Counsel on both sides and also all the facts and figures and documents that were placed before the Tribunal, and then and then alone we can come to a proper conclusion.

Mr. B. Das (Orissa Division: Non-Muhaminadan): Sir, my Honourable friend, Mr. Tottenham, with his usual air of innocence pleaded "why do you want to censure us, why do you not shower congratulations and encomiums on us?" Sir, we are not discussing here whom to offer congratulations, and if we are to offer personal congratulations to Mr. McCleod or to Mr. Tottenham for the questionable results on the report of the Capitation Tribunal

Mr. G. R. F. Tottenham: I myself had nothing to do with the preparation of the case.

Mr. B. Das: But the Honourable Member being the Army Secretary was in charge of the whole case at this end. Sir, I am reminded of another adjournment motion which I had the privilege to initiate and it has already been referred to by my Honourable friend, Mr. Tottenham. That adjournment motion was on this very subject although at the time we thought that it was to be the Capitation Tribunal. It was discussed on the floor of the House on the 6th September, 1932, and it was pointed out that the terms of reference were not only to discuss the capitation charges that India must have to pay, but it raised the bigger issue, *viz.*, the contributions that the Imperial Government should make for the huge British Army that India is forced to maintain for Imperial defence. I should like to refer to one or two lines of the speech of my Honourable friend, Mr. Tottenham, who as I said at the time, tried to mislead this House. He said on that occasion:

"The misconception, I think, arises out of the fact that the second term of reference that is the term dealing with the contribution from Imperial to Indian revenues, has been taken out of its context, in isolation from the others, and it has been assumed that the Tribunal is going to deal with the whole broad question of the incidence of the cost of the Army in India, the strength and composition of the Army in India and such large questions as to whether India requires British soldiers at all. That too is not the case."

My Honourable friend concluded by saying:

"What the eventual procedure will be when the committee of Imperial defence has considered the report of the expert committee from India, I am not yet in a position to state, but I have no doubt that there will be a full opportunity in due course to discuss that. The point that I now wish to make is that the Capitation Tribunal is not concerned with that larger question and I do not wish to enter into that question at present."

It surprises me that the Army Secretary of the Government of India who would be the Army Counsellor of the Federal Government did not know in September, 1932; that this India Defence Charges Advisory Tribunal—that is the present nomenclature in England and in India—was not going to discuss the whole question as to what will be the contribution of England to India for the army maintained for Imperial defence. I am surprised that the Army Secretary, in September, 1932, put a smoke screen and made us believe something

more than what this Committee was required to do and which was, of course, within the knowledge of my Honourable friend. Sir, the question is whether India is going to lie low and accept this sudden wind-fall of two crores,—it may be a wind-fall to the Honourable the Finance Member to meet his immediate needs—which is not a wind-fall, rather an insult to India that after throwing on India the burden of one-third of the defence expenses of the British Empire, England should decide to contribute only £1,400,000 towards that heavy cost of defence. My Honourable friend, Mr. Tottenham, pleaded that the Indian Army had in the past been used only occasionally for external defence, but I would remind him what happened during the Great War. The British Army that was in India was fully drawn and sent out to the different fighting zones. If tomorrow there is another war, say, on the eastern frontier of Asia, certainly the Army in India will be drawn and by accepting this paltry two crores, India is burdening herself with a heavy responsibility. The Army Secretary knows it that that responsibility and obligation came to India by the Locarno Pact though India was not a willing signatory to the Locarno Pact. I should like to read a few lines from what an eminent constitutionalist says. Mr. A. B. Keith, in his book, "The Sovereignty of the British Dominions" says:—

"The change made since 1919 was slight; the power to accept was vested in the Government in lieu of the Parliament, but this at first sight serious change really was dictated by the necessity of saving the Government of India from having to obtain the assent of the Indian Legislature. It was most improbable that that body would accept the obligation voluntarily, while to certify the measure necessary to give the pact approval would have been a most unfortunate proceeding. The authority then was given to the Government of India and the Legislature was not given any chance of debating the issue."

While the Government of India, which is a subordinate branch of the British Government, commit India into defence expenditure which is not necessary at all for India's internal defence, this Advisory Tribunal, consisting of two British judges and two Indian judges, presided over by an Australian judge, did not go into the bigger question. Rather, it was incompetent by its very personnel to go into it. May I ask my Honourable friend, the Army Secretary, why a second Imperial War Conference was not held? There was an Imperial War Conference in 1917. The whole Empire ought to have met and they ought to have discussed and decided as to what would be the proper proportionate share of each unit member of the British Commonwealth of Nations towards the cost of defence of the British Empire. The last time in September, 1932, I gave figures which the Simon Commission gave about the very meagre sums which the dominions spent for the defence of the British Empire. Did the defence counsel of India, did the representative, Mr. McLeod, point out that the dominions were not bearing any cost of the Imperial defence? And yet these three judges in the majority report have said that India is spending much less proportionately than British at present towards the cost of Imperial defence. It is manipulation of figures that deceives nobody, and already my Honourable friend, Sirdar Harbans Singh Brar, pointed out that the colonies spent only 20 per cent of their revenue on defence. When it comes to India, she will have a different scale of expenditure; and for what? It was pointed out by Sir Shadi Lal quoting the late Lord Salisbury that "*India is the eastern barrack of the British Empire*" and the British Government today train up their air force, their British army in the frontier defences, and they want us to bear all that expenditure knowing fully well that our present standard of revenue cannot stand it.

[Mr. B. Das.]

Then, there is another thing. Is not Burma going to be separated? Is not Aden also going to be separated from India? The moment Burma separates, the whole eastern frontier connecting Siam and China goes away. It will then be the burden of the British Government and not of the Government of India. I want to know whether the representatives of the War Office and the Government of India alluded to that aspect of the question. This majority Committee, consisting of two British judges and an Australian judge, talked in terms of "imponderables" and admitted their inability to evaluate a basis for British monetary contribution. They dilated on the smallness of India's contribution towards defence which they dubbed "minor danger" but they have forgotten the "ponderables" that are so well known, namely, that this eastern frontier is going to be a charge on the British Government and not on the Government of India.

Sir, I do not see my Honourable friend, Mr. Ramsay Scott, here and in fact the whole European Group is absent at the moment. But when it suits them, traders as they are, they want protection for the industries here and they identify themselves with our industrialists. But in this matter Mr. Ramsay Scott did not speak as a European resident in India and he spoke as a Britisher and said that the award was just. It, according to him, the award is just, if he had read closely the defence of the India Office and the Government of India, he would then have found that the Government of India were unjustly demanding that 18 millions pounds should be contributed by Great Britain. The British Government's gift-horse of two crores of rupees, is unacceptable to us. This Tribunal which, according to my Honourable friend, Mr. Tottenham, in September, 1932, was not going to discuss this question of contributions, have ignored all the recommendations that the various sub-committees of the Round Table Conference made regarding the cost of defence. The Premier also has done the same thing. Today, the Government of India and we must again join hands and fight England and get Britain to recognise that she must either contribute towards the heavy military expenses in India or she must withdraw part of the British army and must order His Excellency the Commander-in-Chief in India to disband a few divisions of the British army and the Indian army. They are not required for the internal defence of India. They are maintained purely for Imperial Defence. Another point is that the army would be completely a separate and reserved department under the Federal Government and under an Army Counsellor who will come like the Governor of a province or like His Excellency the Governor General and deliver a speech and then walk out. But so long as India is forced to play a subordinate part as she is playing, so long as Britain plays the double game of perambulating Arthur Henderson in the whole of Europe for the Disarmament Conference, so long as British does one thing in Europe and becomes a signatory to the Kellogg Pack and wants India to train up a huge British army so that England can fight at a moment's notice Germany or Russia or any other foreign power, even Japan, so long we have no confidence in Britain, and so long we have no confidence in the Government of India. And if this Government of India feel elated at the paltry sum of two crores of rupees, which they have secured from the British Government, then they must realise at the same time that we on this side understand the whole game. My Honourable friend, Mr. Tottenham, did not tell us the whole story in September, 1932. Today

also Mr Tottenham and the Government spokesman who will speak after him do not want to take us into their full confidence. They do not want to confess that the Government of India had to eat the humble pie. We are only subordinates of the British Government; we had no alternative and even the British Government had no power. The War Office, the Army Council, is all powerful and it has been ordained in that secret Army Council that India should train and nurse the British army so that the British Empire may be defended and the Imperialist policy of Great Britain may be continued at the cost of India. Sir, it is a shame; it is our humiliation that even today, even after the Government of India protesting so often that the cost of defence should be reduced, the Government of India still want us to swallow that humble pie.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has one minute more.

Mr. B. Das: I would be content, Sir, if the Government of India continue to fight the British Government and demand the calling of an Imperial War Conference. Let it not be an Imperial Economic Conference! Let the members of the British Commonwealth of Nations meet and decide what contribution each should make towards the cost of defence of the British Empire. If they are not willing to do that, then, as original partners of the League of Nations, let us refer this question to the League of Nations and let the League of Nations assess whether this paltry contribution of £1,400,000 is the just contribution of England. Otherwise, Sir, India will go on agitating till she compels the Government of India and the British Government to do right by India. If they do not do right by India I ask the Government of India to walk out from the League of Nations and not to call us original members of the League of Nations.

Mr. C. S. Ranga Iyer (Bhilikund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I must acknowledge that the Honourable the Military Secretary has placed from a detached point of view the case for the opposition in this particular matter. I say "the opposition" deliberately, for if we take away the vehemence, the very sincere vehemence, with which my friend, the Leader of the Opposition, spoke, from his speech and when we add to it the concluding remark which he made about keeping what we have got, we arrive at where the Honourable the Military Secretary left us. The whole point is this: we have got something—not that we are jubilant about it, but we are not in a position to throw it away. That is the sum and substance of the speech of the Leader of the Opposition; and then the Leader of the Opposition put the case for the opposition and the people when he said: "We said this: we wanted this and we have been agitating on this". The Military Secretary said: "Yes, certainly so; the India Office presented the case which the India Office has been presenting for some time to the War Office and to the Treasury in Great Britain." I was just going over the speeches of Dadabhai Naoroji—the evidence which he gave before the Welby Commission and the quotations which he made from which I find that the two distinguished gentlemen who were associated with this Committee, the two distinguished Indian judges, have amply quoted. My friend, Mr. Das, referred to Lord Salisbury. He could as well have referred to the letter of Lord Randolph

[Mr. C. S. Ranga Iyer.]

Churchill to the treasury. Those who have investigated this question are aware that the India Office did put up, has been putting up a big fight in this matter. But the India Office has been treated very shabbily and very ungenerously by the War Office and our complaint has always been that, when there is a clash on the Indian issue between the India Office and the War Office, the Indian case goes by the board. Probably it is because of the recognition of this fact that the Honourable the Military Secretary said that he would communicate the speeches to the India Office so that they may make use of these speeches. As a matter of fact, the very motion brought forward by my friend, Sirdar Harbans Singh, is not to develop a sort of megalomaniacal attack which the speaker for the Democratic Party made on British imperialism run riot, or "swallowing" as he put it, or eating, what he said, was humble pie. It is not for that. Not having been given an opportunity by the Government as pointed out by the Leader of the Opposition, to study the case with ample material and have a full day discussion on it, because the matter is very important,—not having had that opportunity, we had to make as much use as we could of the opportunity provided in the Manual of the Assembly. Mr. Harbans Singh did not mean it as a censure motion. The very eloquent and able and sincere speech of the Leader of the Opposition has clearly proved that our object is not here to censure the Government. There is no case for censure; in fact there is no case for opposition. We do admit that our judges have done their work; we are willing even to admit that the India Office had put up a fight; we are not satisfied with what we have got; we wanted to go more into the subject and we wanted to explore and present the whole case on this matter in order to strengthen the fight which the India Office has been putting up; but unfortunately that opportunity has not been given to us; and, therefore, we had no other opportunity but this very inconvenient opportunity for many of us to sit up to six o'clock—we would rather change the Assembly Rules and have an adjournment motion moved at 3 o'clock, so that we may complete our task by five. Therefore, at considerable inconvenience we have thought it necessary to strengthen the fight that the Government and the India Office which the Military Secretary has told us have been putting up on behalf of India—not that we are going to press the motion to a division: nobody has spoken in that fashion except the spokesman of the Democratic Party who spoke as though we are at war with Great Britain and asked why should we not refer the matter to the League of Nations? He could as well say: "Why not tear up the Gandhi-Irwin Pact?", for so long as the Gandhi-Irwin Pact stands—and even the Mahatma has not repudiated it—we are part of the British Commonwealth of Nations: we want freedom within that Commonwealth; we want the completest freedom that the colonies enjoy; but surely we do not want just to refer these matters to the League of Nations. This Assembly is quite competent if given the opportunity which the Leader of the Opposition has sought, to speak out on the subject of this motion and if necessary to have a vote on that also. Our purpose now is not to censure the Government. I do not believe Sirdar Harbans Singh is going to press his motion to a division. Had he done so, then the Military Secretary could have stood up and said: "You are censuring the Government". As the Leader of the Opposition has plainly pointed out, we are not going to throw away the two crores, but we have a right to ask for more and to agitate for more, because we are not satisfied with what we have been given. That is the crux of the case of the Opposition. It is not a question, as Mr. Das, put it, of insulting

us with two crores of rupees. (Laughter.) But we do not say that we are satisfied with it, because we have a legal and a moral claim for something more: while taking what is given, we do not propose to abandon our right to fight for more. (Applause.)

The Honourable Sir George Schuster (Finance Member): Sir, I think that the course of this debate has already made it clear that the position of the Government of India Members in speaking upon it is a somewhat difficult one. We, as advocates of the India's case—and that has already been made clear—claimed considerably more. Therefore, of course, we should have liked to get considerably more: and, therefore, also, of course, we do not want to say anything in this debate which might be embarrassing to spokesmen on behalf of India in future. But there are certain things that we must say if this motion is intended at all as a censure upon anybody, either upon the Government of India, or as has been suggested by certain speakers, upon the counsel for the Government of India or even upon the Tribunal itself. We can say in the first place that we have got something very substantial and I would remind Honourable Members that the matter which has been in controversy between India and the War Office in the long years during which the controversy has gone on has been the question of the capitation charges. That has really been the issue on which much bitterness has been felt in the past, and, so far as the capitation charges are concerned, the net result of this award is to reduce them practically to nothing. I say practically to nothing, because there are certain items which have not absolutely been settled finally yet, but in broad result, the effect of this award is to wipe out the capitation charges, taking into account the amount of the general contribution.

Now, Sir as regards that general contribution, that has intervened recently is a new feature. We on behalf of the Government of India did not content ourselves with disputing the justice of the capitation charges, but we put forward a claim to a general contribution, and it is possibly on that claim that Honourable Members may feel that the result is inadequate, but I do wish to make the point clear that so far as the controversy which has involved great bitterness in the past is concerned, we have been—and to that extent I think I may claim that our tactics in the Government of India in the last few years have been successful,—able to wipe out that element of controversy so far as the practical results are concerned. Now, Sir, I should also like to make it clear, though that has already been admitted, that our case, the case put up from here and elaborated in the India Office, covered all possible points that could be made. I should also like to make it clear that all possible points were argued most ably by our counsel, and I am very pleased to have an opportunity of repeating the tribute paid to our counsel by my Honourable friend, Mr. Ramsay Scott, and by the Army Secretary, who spoke before me. It was admitted on all sides that, so far as they were concerned, their task could not have been better performed. I think I must also make it clear that we feel that the Tribunal gave the fullest and fairest consideration to all those points, and we cannot claim that we have not had a fair hearing. We may have expected, we may have desired, a more satisfactory result as far as the Indian revenues are concerned, but that the case was not properly argued and not properly heard by the Tribunal, those are statements which we must most emphatically

[Sir George Schuster.]

rebut, and if the motion which has been moved is intended to imply anything on those lines, then I should most uncompromisingly oppose it.

Now, Sir, there were certain special points that were made in the course of this discussion, one in particular by my friend, Mr. Ramsay Scott, which referred to a statement which I myself made with which I should like to deal and clear up any misunderstanding that exists. My friend gave a perfectly correct quotation from some remarks which I made, but he did not give the whole passage nor the whole context, and I think possibly there has been a little confusion in this matter owing to the fact that the issues before the Tribunal were somewhat wider than had been originally anticipated. There are really three issues which must be considered separately. There was first of all the dispute about the capitation charges with the War Office. There was secondly a dispute about capitation charges with the Air Ministry, and, thirdly, the claim that was raised for a general contribution. Now, the remarks which I made were strictly accurate so far as the dispute about the capitation charges with the War Office were concerned, and in the remarks which I made on the 10th March, 1931, some passages from which my friend quoted, I made that position quite clear. I think he would probably be able to correctly point out that in other passages where I dealt with this matter I did not make it quite that the agreement about the retrospective effect of the 31st March, 1926, only applied to the dispute about the capitation charges with the War Office. That, however, was the position. Now, that was not disputed at all, and when we came to considering how the matter was to be adjusted, it was admitted on both sides that we could claim retrospective effect as regards the War Office dispute to March 31st, 1926. On the other hand, the Air Ministry claimed retrospective effect to 1920. Now, as against the War Office we shall gain annually a sum of something between one hundred and fifty thousand and two hundred thousand pounds,—the exact amount, as I say, is not absolutely settled yet,—whereas as against the Air Ministry we shall lose a sum of something like one hundred thousand pounds annually, and as the Air Ministry's claim goes back to 1920 and our claim against the War Office for retrospective effect only goes back to 1926, what we lose against the Air Ministry is almost equivalent to what we should gain against the War Office. Therefore, so far as the capitation charges were concerned, the making of the award retrospective would in effect have given us nothing. It is extremely difficult to give the exact figures, because the exact amount payable in each year depends upon the rates of pay and upon the number of troops that happen to be employed in each year. I am, therefore, only dealing with rough figures, but we were assured by the India Office who had been very carefully into this matter that to insist on the award being retrospective would in effect have given us practically nothing, not an amount worth disputing. Therefore, we agreed to their suggestion that this award should come into effect as from the year 1933-34. We should, of course, have gained substantially if the general contribution had been made retrospective to 1926, but that had never been suggested, and nothing that I ever said was intended to suggest that if we got anything by way of a general contribution that would be ante-dated. That, I think, answers my friend's point.

Now, Sir, a good deal has been said about the issues which the Tribunal treated as irrelevant, and a good deal of criticism has been passed

on their decision, because they treated these issues as irrelevant, but I venture to put it to Honourable Members who have taken that line that they have not perhaps fully appreciated what was the scope and purpose of this particular Tribunal, and I would put to them further that the fact that certain issues have been treated as irrelevant may, looked at from certain points of view, actually be of advantage to India in the future. The essential point, Sir, I think, is this, that the Tribunal could not consider as an issue before it the question of whether the troops maintained in India were more than were required for India's own purposes. In fact, in a passage which has already been quoted they spoke as follows:

"It is common ground between the parties that the scale on which the military forces in India as maintained in respect of numbers, composition, equipment etc., is no greater than is required for the defence of India and the maintenance of internal security."

Now, Sir, that was in fact not an issue before the Tribunal. The Tribunal in fact could not be expected to deal with an issue of that kind which obviously is a technical military issue

Mr. H. F. Mody (Bombay Millowners' Association: Indian Commerce): Why was the admission made?

The Honourable Sir George Schuster: In fact, it would have been impossible for the military authorities to argue their case properly before a tribunal of this kind, because it would have been embarrassing

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

. even impossible to discuss those questions before a tribunal of that nature

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got one minute more.

The Honourable Sir George Schuster: I am sorry for I have a good deal more to say. I am not accustomed to speaking to these time limits. That is the point that I wish to make, and, therefore, what it comes to is this, that the Tribunal has said, and the real significance of their finding is this, that even though every man who is employed in India is required for the defence of India and, therefore, ought to be paid for by the tax-payers of India,—even though that position is assumed and that is the assumption on which all the findings are based, nevertheless, there are grounds on which the British Government has to contribute something towards the expenses of the Government of India. Now, I suggest that if the finding is looked upon in that way, it is much more favourable to India than my Honourable friends seemed to have understood. The issue as to whether the troops maintained in India are larger than are required for India's purposes is not an issue that has been decided at all. It is open to Honourable Members to argue that in future, as I have no doubt they will. I also have little doubt, and I say this in conclusion, that, when they themselves assume responsibility for governing this country, they will look at that issue in a somewhat different spirit to that which prevails on the Opposition Benches at present.

[Sir George Schuster.]

Sir, I must close, my time is up. There is a great deal more that I should have desired to say, and I agree with my Honourable friend, the Leader of the Opposition, that it is extremely difficult to deal with a subject of this kind in the short time of two hours with speeches of fifteen minutes' duration. (Choers.)

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, after listening to the able speech of the Honourable the Mover, wherein he has had to admit that Government have done their duty well and deserved every praise for the way in which they have fought India's case in the interest of India, there is hardly any point in calling this an adjournment motion, and I hope that my Honourable friend will not press it to a division. Two things are clear. Firstly, this was a long standing controversy and the Tribunal, that sat to go into this most complicated question, was composed of most eminent judges and lawyers of great standing. The case for both sides was very well argued there and India was not only well represented by the India Office, but also two of its eminent judges were on this Tribunal. Another thing which is clear is that the Government of India have fought hard not only on this occasion, but as it appears from the records, they have been putting India's case in as good a light as could possibly be placed before the Home Government in the past also. As a matter of fact, if we had not had this report before us, we would not have known how one of our Commanders-in-Chief, H. E. General Sir Beauchamp Duff, fought for us. An extract from his memorandum appears at page 42 of the report, and that shows how in days, as was so ably pointed out by the Honourable the Army Secretary, when Indian opinion was not even formed on this subject, the Government of India were fighting for India on this point. There is another thing which is also very clear and which we cannot ignore. We have not got the material for a debate of this kind before us. When we are discussing this report without any material, we are placed in the position of a lawyer who is asked to argue the appeal of a convicted person in an appellate Court, and who has not even gone through the file, who has not seen the exhibits, and who has not been provided with even a full copy of the judgment, but who has got only a brief summary of the judgment in hand. Under these circumstances, I do not know how we can do justice to the present case. (*Some Honourable Members*: "Whose fault?") Nobody's, from the very nature of the case it was not possible, and it is not desirable that the full material should be placed before us. There are some documents, which, from military point of view, cannot possibly be placed in our hands, simply in the interests of India, or, for the matter of that, in the hands of any legislative body. So, from the very nature of things we could not discuss fully a subject of this nature and complication. We should not attempt to be all-knowing and all-wise. What we have to see is what we have gained by this. From the report, it is clear that we have got a net-gain of nearly two crores of rupees every year. I think the best position would be for us to accept what we have got, and leave the rest to the Government of India to fight for us. They have been fighting for us in the past, and there is no reason why the future Government of India will not fight the case. I admit that the case is still arguable on many points. Take, for instance, the case of the contribution for the Frontier Defence.

We can very well argue that if we are part of the British Empire, the British Empire as a whole should share the burden of the defence of one corner of the Empire. It is simply by chance that we have got a hostile neighbour and it should be the concern of the Empire to meet this neighbour.

Sir, this reminds me of a conversation I had some time ago with a friend of mine. I was pressing for Provincial Autonomy. He said: "You, Punjabeers, do not stand to gain. If you ask for Provincial Autonomy, you will have to pay for the Defence of the Frontier. Will the Punjab alone be able to bear the burden of the Defence of the Frontier, when full provincial autonomy is granted?" He further said: "Bengal, the United Provinces, Bombay and Madras may refuse to share the burden". The reply that I gave was this. "Well, in that case we will create another Frontier somewhere near about Delhi and we will have two sets of armies, one to defend the Frontier and the other to commit raids on the United Provinces, Bengal, Bombay and Madras". Sir, I do not anticipate any time when the Government of India will be placed in the position of having to put forward that sort of argument in asking the Home Government to share the burden of the Frontier. All I would say is this, that we should trust them to press our case, as they have pressed in the past and accept what we have got. Two crores of rupees per annum is the net gain to us and we ought to be grateful to the Tribunal and to the Government of India for what they have done.

Sir, as I have already said, this motion is hardly an adjournment motion, and my Honourable friend was ill-advised in putting it forward as such. It would have been much better if he had asked the Army Secretary or the Honourable the Finance Member to make a statement on the subject, and in that case the Government of India would have made a full statement of the case and that would have been enough. An adjournment motion is hardly the proper course to take

(It being Six of the Clock.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order. The House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 25th January, 1934.



LEGISLATIVE ASSEMBLY.

Thursday, 25th January, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MOTION FOR ADJOURNMENT.

SIGNING OF THE INDO-JAPANESE COMMERCIAL TREATY IN LONDON.

Mr. President (The Honourable Sir Shanmukham Chetty): I have received a notice from Mr. B. Das that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, as follows:

"The proposal of the Government of India that the Indo-Japanese commercial treaty shall be signed in London, which will reduce the Constitutional Status of India to that of a subordinate branch of the British Administration and dishonour the Fiscal Autonomy Convention."

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. today.

STATEMENTS LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways): I lay on the table:

- (i) the information promised in reply to parts (a) to (d) and (f) of starred question No. 1330 asked by Mr. S. G. Jog on the 11th December, 1933;
- (ii) the information promised in reply to unstarred question No. 316 asked by Pandit Satyendra Nath Sen on the 14th December, 1933;
- (iii) the information promised in reply to parts (b) and (c) of unstarred question No. 271 asked by Mr. S. C. Mitra, on the 11th December, 1933; and
- (iv) the information promised in reply to parts (b) and (c) of unstarred question No. 26 asked by Sardar Sant Singh on the 5th September, 1933.

USE OF AN OFFICER'S CARRIAGE FOR JOY RIDES UNDER THE ORDERS OF THE DIVISIONAL SUPERINTENDENT, MORADABAD DIVISION, EAST INDIAN RAILWAY.

*1330. (a) and (b). The Agent, East Indian Railway, reports that the reply to the first part is in the negative. As regards the second part, a saloon was placed at the disposal of the widow of an officer recently deceased, for her journey from Delhi to Moradabad, as a special case owing to the condition of her health.

(c) The answer to the first part of the question is ordinarily in the negative, but special circumstances may arise which justify special treatment.

(d) No staff in whatever grade they may be are permitted to travel without tickets or passes.

(f) In the circumstances explained, Government do not consider that any special action is called for

VACANCIES IN THE GRADE OF SUB-HEADS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

316. (a) A statement is laid on the table containing the information required by the Honourable Member.

(b) Yes, without prejudice to the claims of those who have already held such posts satisfactorily for a number of years.

(c), (d) and (e). The questions are not quite clear. I understand that there is no bar to promotion to class I if the candidates are eligible under rules. Two clerks who have passed Appendix D or E examination were recently promoted to Class I.

Statement referred to in the reply to part (a) of Assembly Question No. 316 asked by Pandit Satyendra Nath Sen.

Nature of vacancies.	No.	How filled up.
(i) Permanent	7	Demoted Sub-Heads 2 Clerks who have passed Appendix 'E' and S. R. A. S., Pt. II 1 *Other classes of staff 4
* These had been officiating as Sub-Heads for a long time and were officiating at the time when confirmations were made.		
(ii) Officiating or temporary	16	Demoted Sub-Heads 11 Clerks who have passed Appendix 'E' or S. R. A. S., Pt. II Nil. Other class of staff 5 (as a purely local arrangement; four have since reverted.)

DENIAL OF CERTAIN BENEFITS TO THE INDUSTRIAL HANDS OF THE EAST INDIAN RAILWAY PRESS.

271. (b) and (c). Agent East Indian Railway, reports that the industrial staff of the East Indian Railway Press are governed by the same terms of service as monthly paid workshop employees in other workshops of the East Indian Railway. These differ from the terms by which the clerical staff are governed in matters of leave, passes and eligibility for the Provident Fund.

QUALIFICATIONS OF CHARGEMEN IN THE CARRIAGE AND WAGON SHOPS, NORTH WESTERN RAILWAY, MOGHALPURA.

26. (b) Statement 'A' showing the names and other particulars of chargemen recruited in England since 1921 and statement 'B' giving the names and other particulars of the chargemen appointed since 1921 who are no longer in service are attached herewith.

The Agent, North Western Railway, reports that it has not been possible to trace the case of any covenanted subordinate discharged from the Mechanical Workshops during the years 1921-31 either for "consistent inefficiency or otherwise". The latter part of the question does not therefore arise.

(c) Transfers within a workshop are controlled by the Works Manager while those from one workshop to another are controlled by the Superintendent, Mechanical Workshops. Transfers from workshops to Divisions and *vice versa* and those from one division to another are controlled by the Agent. Transfers in the Carriage and Wagon shops at Moghalpura like other transfers are ordered to meet the exigencies of the service.

STATEMENT 'A.'

Statement showing the names and other particulars of Chargemen recruited from England.

Name.	Date of appointment.	Pay on which appointed.
		Rs.
Mr. A. F. Carter	12th February 1921	320
Mr. N. C. Fiello	12th February 1921	320
Mr. A. Hogg	6th December 1921	320
Mr. F. J. Davison	26th December 1921	320
Mr. J. Smith	7th March 1922	320
Mr. K. M. Levine	14th November 1922	320
Mr. G. E. Moody	14th November 1922	320
Mr. W. C. Maidlow	21st November 1922	320
Mr. O. Johnson	21st November 1922	320
Mr. H. G. Hawkins	21st November 1922	320
Mr. G. P. Holland	5th December 1922	320
Mr. R. R. Morse	16th January 1923	320
Mr. C. Banyard	28th December 1923	320
Mr. T. J. Bright	28th December 1923	320
Mr. H. Weaver	19th February 1924	320
Mr. R. L. Hill	4th March 1924	320
Mr. W. E. Jackson	4th March 1924	320
Mr. H. C. Howell	4th March 1924	320
Mr. A. E. Welby	4th March 1924	320
Mr. N. F. E. Pryke	3rd October 1924	320
Mr. H. Roberts	13th October 1924	350
Mr. A. S. Kelly	21st October 1924	320
Mr. G. H. D. Ellis	2nd December 1924	320
Mr. T. J. Dunn	2nd October 1925	320
Mr. C. J. Roach	8th October 1925	320
Mr. C. F. Osborne	12th October 1925	320
Mr. W. R. Edgar	12th January 1926	320
Mr. R. Stanbury	5th May 1926	320
Mr. E. C. Legg	4th January 1929	350
Mr. W. S. Godde	24th January 1930	320
Mr. I. Patchett	7th February 1930	350

STATEMENT 'B'.

Statement showing names of Chargemen recruited from England who are no longer in service, whose service particulars are not available.

Name.	Date of appointment.	Pay on appointment.
		Rs.
Mr. H. J. Bryer	January 1921	320
Mr. T. Crone	Do.	320
Mr. H. Hole	Do.	320
Mr. S. W. C. Langley	Do.	320
Mr. W. G. Johnston	12th February 1921.	
Mr. J. G. Wolte	September 1921.	
Mr. F. J. H. Walter	Do.	
Mr. J. Thomas	November 1922.	
Mr. R. J. Smith	January 1923.	
Mr. O. E. Pollard	February 1923.	

THE UNTOUCHABILITY ABOLITION BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume further consideration of the following motion moved by Rao Bahadur M. C. Rajah on the 5th September, 1933:

"That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddi, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Hony. Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghbir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

and also the amendment moved by Mr. R. S. Sarma:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

Pandit Sen will resume his speech.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Sir, before I resume my speech on the Bill brought forward by the Honourable Mr. Rajah, I beg to invite your attention to some very important facts which have come to my knowledge very recently. The facts are these. The principle of this Bill is the subject matter of a suit which is *sub judice* in a law court at Poona and I raise a point of order on the ground that a reasonable debate on this Bill will be almost impossible without running the risk of being charged with contempt of court. A similar situation arose some years ago when the Public Safety Bill was being discussed in this House and the late Mr. Patel ruled the Bill out of order on the same ground. This is a certified copy which has been sent to me by one of the plaintiffs in the case with a note attached to it. The note runs as follows:

All legally advised pray notify all Hindu and non-Hindu Members of their liability to prosecution for contempt of Crown and for oppression under section 124 of the Government of India Act for disobedience to Queen's Proclamation regarding non-

interference in religious matters, if parties to legislation against it and also if they oppose Bills to repeal such past laws. No legal protection avails them which is taken away by Statute of Westminster, the first of 1275 Edward I, Chapter Fifty, Volume 3, page 19, Halsbury's Statutes and Statute of 1322, Edward II, Chapter Fifteen, Volume 12, page 420, Halsbury's Statutes. Breach of oath of allegiance may vacate their seats under section 5 Parliamentary Oath's Act, 1866."

I would invite your ruling on this point.

Mr. President (The Honourable Sir Shanmukham Chetty): What exactly is the point under adjudication by the Court of law?

Pandit Satyendra Nath Sen: The principle of this Bill is *sub-judice* in a case which is pending in the law Court.

Mr. President (The Honourable Sir Shanmukham Chetty): What is the point for decision in that case?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is the plaint and what is the relief sought?

Pandit Satyendra Nath Sen: The two plaintiffs are G. K. Harkare and His Holiness Shree Shankaracharya. The defendants are Mohandas Karamchand Gandhi and others.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): May I ask whether Mr Harkare is a sane man?

Pandit Satyendra Nath Sen: I do not know. This is the certified copy sent to me.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is the prayer?

Pandit Satyendra Nath Sen: I am reading out the prayer:

"That the defendants may be permanently restrained from carrying on propaganda and such other works in and outside Legislatures in favour of temple entry and other similar methods to the danger of safety, health and legal rights of the plaintiffs to worship unmolested and free from social tyranny; that the defendants be permanently restrained from surrendering the legal right of unmolested worship under the Queen's Proclamation of 1858 and from approaching Government to induce them to commit contempt of the Crown, etc."

Mr. President (The Honourable Sir Shanmukham Chetty): What is the date of the suit?

Pandit Satyendra Nath Sen: The copy of this plaint is signed "20th January, 1933".

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair wants to know when the suit was filed. Was it after the introduction of this Bill?

Pandit Satyendra Nath Sen: May be.

Mr. President (The Honourable Sir Shanmukham Chetty): Then the Honourable Member need not proceed with any further point. If any

[Mr. President.]

suit that has been instituted after the introduction of a Bill raises the principle involved in the Bill, that will not prevent this Legislature from considering that measure, because, if that contention were accepted, then any person who felt aggrieved by a Bill, could simply file a suit in a court of law and thereby hold up all legislation. (Applause.)

Pandit Satyendra Nath Sen: I submit to your ruling, Sir, but I have got another grievance. Sir, I submit that this Bill is *ultra vires* of this Legislature under section 94 of the Government of India Act

Mr. President (The Honourable Sir Shanmukham Chetty): Did the Honourable Member raise that point of order before?

Pandit Satyendra Nath Sen: No, not before; this ground is being pressed just now. Section 84 (1) says, towards the end (the portion in brackets):

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

On the last occasion I took my stand on the Queen's Proclamation. I had not the authorities with me ready on that occasion. Now I beg to submit that the Queen's Proclamation also has the same validity as an Act of Parliament. This is what we find in Halsbury's Constitutional Law, page 15.

"When legally made and issued, Royal Proclamations are to be judicially noticed and are of the same validity as an Act of Parliament. Any breach of their provisions is punishable by fine or imprisonment."

So I beg to submit that this Bill is repugnant to the Queen's Proclamation, which has the same validity as an Act of Parliament and, therefore, *ultra vires* of this Legislature.

Mr. President (The Honourable Sir Shanmukham Chetty): A ruling has already been given on that point on the 5th September, 1933, when the Honourable Member raised a similar point of order.

Pandit Satyendra Nath Sen: But not on this ground?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member in raising the point of order said:

"I beg to submit that this Bill is *ultra vires* of this Legislature. As I said, I take my stand on the notification of the Government of India, published in 1857 during the regime of Lord Canning and on the Queen's Proclamation of 1858."

He based his contention on the Queen's Proclamation of 1858 and the Chair has ruled that:

"The powers of this Legislature are defined in the Government of India Act and not in the Queen's Proclamation, and if Honourable Members want to draw the attention of the Chair to the fact that a certain Bill is *ultra vires* of the Indian Legislature, they must draw attention to the relevant portion of the Government of India Act in the first instance. The Chair would, therefore, ask the Honourable Member first to draw its attention to the section of the Government of India Act on which he relies."

Pandit Satyendra Nath Sen: But on that occasion I took my stand on section 65; I take my stand now on a different section. Section 84 (1) says:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall be void."

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Will the Honourable Member read that section properly? He omitted certain words. Will he please read that section in full?

Pandit Satyendra Nath Sen:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

Mr. President (The Honourable Sir Shanmukham Chetty): Quite so. If the present Bill is repugnant to any law made by any authority in British India or to any Act of Parliament, to that extent it will be void, but not otherwise

Pandit Satyendra Nath Sen: Sir, I submit to your ruling, but I have got another grievance and that is the last. (Laughter.) I have noticed in the past, at least on one occasion, that the Chair is liberal enough to revise its ruling in the light of new facts placed before it. On the last occasion, when I raised my point of order, I took my stand on section 65 and the Chair was pleased to rule me out on the ground that:

"The Queen's Proclamation is not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it is not covered by the section to which the Honourable Member has drawn the attention of the Chair"

Sir, the section speaks of the "United Kingdom of Great Britain and Ireland" which, I think, means something different from the expression used by the Chair. The "United Kingdom" certainly includes India also, because, otherwise, if "repugnant" means only in relation to Great Britain and Ireland, as put by the Chair, then it can have no meaning so far as India is concerned. When India is in question, "Great Britain and Ireland" must include India also. (Cries of "How?" "How?") Otherwise it will become meaningless. No law can be passed in India if it is repugnant to the laws of England! This is perverse. "United Kingdom" must, as it seems to me, comprise dependencies, colonies, etc. (Interruptions.)

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order

Pandit Satyendra Nath Sen: The Chair will kindly bear with me for two or three minutes while I place all the facts. Sir, this speaks of the unwritten laws. What does that expression mean? It has been held by competent authorities that unwritten laws must mean the fundamental rights of the subjects. The law of England consists of two elements—the *Lex scripta* and the *Lex nonscripta*. *Lex scripta* comprises the Statute law while *Lex nonscripta* is an unwritten law comprising those principles, usages and rules of conduct applicable to Government and the security of person and property which do not depend for their authority upon any existing express and positive declaration of the will of the

[Pandit Satyendra Nath Sen.]

Legislature. Coming to Indian decisions, there are two important rulings reported, dealing exhaustively with this point. In Bengal Law Reports, Volume 6, page 392, Norman J. observes:

"In order to see what is meant by the 'unwritten laws whereon may depend in any degree the allegiance of any person to the Crown of Great Britain and Ireland' it is necessary to consider first what allegiance is, and then he concludes with these words:

'I will next consider what are the Unwritten Laws referred to in the section (*He is referring to section 65.*) It is well known that the provisions of the Great Charter and the Petition of Rights are for the most part declarations of what the existing law was, not enactments of a new law. They set forth and assert the right of the subject according to what was assumed to be the ancient Unwritten Law and Constitution of the realm. Rights of so sacred a character can never be taken away by a subordinate Legislature'."

In a recent decision reported in I. L. R. 39 Madras, page 1085, the learned Chief Justice (now Sir) Abdur Rahim, who, I may say, is not unknown to this House, wholly approving the above observations of Norman J., concludes that "by Unwritten Laws are meant the laws recognising the fundamental rights of the subject to the enjoyment of personal freedom and property". The fundamental rights have been enumerated below. Five things have been mentioned and No 3 runs as follows:

"The right to freedom of speech which is closely connected with and covers that of freedom of conscience"

Now, if we turn to page 367, Vol. XI of Lord Halsbury's Laws of England treating on Ecclesiastical Law, we find a clear recognition of the fundamental right of the subject to the protection of the State, in matters religious. The portion goes on thus:

"The civil power, while thus exercising complete control over all states and degrees, whether ecclesiastical or temporal, and affording all necessary protection from wrongful acts, refrains from exercising any purely spiritual functions and recognises and has always recognised the right of all to follow the dictates of their conscience in the religious opinions they hold."

So, these are the fundamental rights of the citizens and they are going to be assailed by this Bill. I beg to submit, therefore, that you will be pleased to revise your ruling in the light of these facts.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I also, Sir, just make a few remarks before you give your ruling. I was myself going to raise that point. In addition to what my Honourable friend, Pandit Sen, has said, there is one point in your previous ruling on which I cannot lay too much stress. In that ruling you observed:

"If the Honourable gentleman wants to take shelter under the provisions relating to allegiance to the Crown, he must point out that this Bill contravenes some law or constitution of the United Kingdom of Great Britain and Ireland."

I need not read further, but, as I understand it, the gist of your ruling is that unless a specific law of the United Kingdom of Great Britain and Ireland is quoted as against this Bill which is before the House, this Legislature will not exceed its powers in enacting a law. That is the point to which your ruling was confined and, although you did read the whole of the section which refers to unwritten laws relating to the allegiance to the

Crown, your ruling, as I interpret it, does not refer to that portion. If I am right in my interpretation of your ruling, then I shall proceed to make my submission.

Mr. President (The Honourable Sir Shanmukham Chetty): You wish to know whether my ruling covers also the unwritten law.

Raja Bahadur G. Krishnamachariar: The first point upon which I wish to make the position clear is this. As you rightly observed, my Honourable friend, Pandit Sen, based his argument entirely upon the Queen's Proclamation and you proceeded to say that the Queen's Proclamation was not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it was not covered by the section to which the Honourable Member drew the attention of the Chair. Therefore, the Chair ruled that it was in order. What I respectfully beg to submit is that so far as your ruling on the former occasion is concerned, it did not refer to the unwritten laws upon which the allegiance of the subjects to the Crown depended, and it is upon that position that I would like, with your permission, to submit a few remarks.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member would be at liberty now to point out any unwritten law of the United Kingdom of Great Britain and Ireland which will be contravened by this Bill and on which the allegiance of the subjects to His Majesty the King depends.

Raja Bahadur G. Krishnamachariar: That is all I wanted. I do not wish to raise the same question again as it will waste the time of the House. The position that I shall attempt myself to lay before you is that this Bill contravenes the unwritten law of Britain and Ireland upon which the allegiance of the subjects depended. Sir, the unwritten law has been explained in the famous decision on Queen Empress *versus* Amir Khan, which is known as the Wahabi case, a portion of which has already been read out to the House by Pandit Sen:

"The Law of England consists of two elements, the *Lex scripta* and the *Lex nonscripta*. *Lex scripta* comprises the Statute law while *Lex nonscripta* is an unwritten law comprising those principles, usages, and rules of conduct applicable to Government and security of person and property, which do not depend for their authority upon any existing express and positive declaration of the will of the Legislature. It is often called customary law and has the same force and authority as Acts of Parliament."

Having said that, Justice Norman says:

"I will next consider what are the Unwritten Laws referred to in the section. It is well known that the provisions of the Great Charter and the Petition of Rights are for the most part declarations of what the existing law was, not enactments of a new law. They set forth and assert the right of the subject according to what was assumed to be the ancient Unwritten Law and Constitution of the realm. Rights of so sacred a character can never be taken away by a subordinate Legislature."

That portion has been read out by my Honourable friend, Pandit Sen. What I respectfully beg to submit is that under the *Magna Charta* every subject of the Crown has got the freedom of conscience and every subject of the Crown is entitled to perform his worship according to his own traditional religious laws without being subjected to any disability. That was the Charter Act of 1833 which, although repealed, has not lost its force so far as this particular point is concerned. I submit, therefore, that the point

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mentioned by Justice Norman was approved by Chief Justice Sir Abdur Rahim in that famous case of Annie Besant *versus* that gentleman who wanted to have his son's guardianship. The thing has been fully approved by Chief Justice Sir Abdur Rahim coupled with the fact that under the Ecclesiastical Law of England everybody is entitled to a freedom of conscience to hold whatever opinion he likes and that no one shall be compelled to change his view, simply because a minority or a majority has seceded from the position anciently and traditionally entertained and are now trying to force their opinion upon a minority or a majority as the case may be. Consequently, the unwritten law of the United Kingdom of Great Britain and Ireland preserves for us the right of freedom to observe our religion in our own way and I submit that this Bill which professes to abolish untouchability which undoubtedly is a religious question as has been admitted by His Excellency the Governor General himself in the communiqué issued while giving sanction to the introduction of this Bill—these are questions of a religious nature, these are the words of the official communiqué—I, therefore, submit that as the unwritten law of Great Britain and Ireland allows me freedom to follow my religion in the way that I and my ancestors have done and as the object of the present legislation is admittedly to prevent me from doing that, I say that this Bill interferes with the allegiance that I owe to the Crown, because it makes me do a certain thing which is against the provision of that unwritten law and on that ground I submit that this Bill is *ultra vires*.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural). I do not want to make an elaborate argument, but I only want to say that it is not proper for the Honourable the Leader of the Centre Party to take shelter under religion and interpret that shelter in the light of an unwritten law and deprive the Legislature of its legitimate right of legislating on matters which are not necessarily religious or which cannot always be evaded by raising the religious question and treating religion as a piece of India rubber.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's contention, if the Chair has understood him correctly, is this: that freedom of conscience and freedom to worship according to one's own religious usage are rights conferred on an individual by the unwritten law of Great Britain and Ireland and that this Bill contravenes that unwritten law and, therefore, *ultra vires*. That seems to be the position of the Honourable Member. Is the Chair correct?

Raja Bahadur G. Krishnamachariar: I cannot say that it was actually conferred. I say that the freedom of conscience and the freedom of worship are rights inherent in the subject and the unwritten law of England has also recognised in the words of Justice Norman and the great Charter and the Petition of Rights only declare the custom and the usage that was existing at the time and it did not confer upon me any particular right on that particular occasion. That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty): Freedom of conscience and the free right of worship according to one's own religious practice are rights inherent in the unwritten law of Great Britain.

Raja Bahadur G. Krishnamachariar: If I may interrupt, this is inherent in me which the unwritten law has declared to be inherent in me:

Mr. President (The Honourable Sir Shanmukham Chetty): In other words, freedom of conscience and freedom of right of worship are inherent rights which are recognised by the unwritten law of Great Britain and Ireland and this Bill contravenes that unwritten law. So far as the Chair has been able to understand the provisions of this Bill, this does not make any inroad upon the freedom of conscience of anybody or on the freedom of worship of any person. This Bill, in its operative portion, simply lays down that no disability shall attach to a person simply by reason of the fact that that person belongs to a particular community or caste. The enacting of a provision of that nature by the Legislature does not in the least make any inroad upon the freedom of conscience of any citizen in the country or interfere with the right of worship of any person.

Raja Bahadur G. Krishnamachariar: Will you please suspend your ruling Sir, because I have to submit

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. It is a provision which removes a disability attached to a person by reason of his belonging to a particular caste and, therefore, the Chair does not think that the provisions of this Bill contravene even that part of the unwritten law of Great Britain and Ireland.

Pandit Satyendra Nath Sen: Sir, in the course of my speech on the last occasion at Simla, I had the courage to utter the name of Manu in my support and Honourable Members will remember that a certain friend of mine cried: "Down with Manu, long live Gandhiji".

An Honourable Member: Who said that?

Pandit Satyendra Nath Sen: Mr. Reddi. He is not here, and, therefore, I did not want to mention his name.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Is he an untouchable?

Pandit Satyendra Nath Sen: He is not, so far as I know. The history of the country during the last four months gives the direct lie to this cry. While Manu has been reigning supreme in the hearts of the people of this country for the past millions of years, Gandhiji has been deposed after a short and partial reign of a few years.

Mr. B. Das (Orissa Division: Non-Muhammadian). Question.

Pandit Satyendra Nath Sen: Why, his movement is being opposed not only by a large section of the people who are now styled as Sanatanist Hindus, but also by untouchables whom he is pleased to call Harijans.

Mr. B. Das: No, no.

Pandit Satyendra Nath Sen: His tour has been boycotted by the untouchables of the United Provinces. His tour has been boycotted by the people of Bengal.

Rao Bahadur M. C. Rajah (Nominated Non-Official): Gandhiji has not yet gone to the United Provinces and Bengal.

Pandit Satyendra Nath Sen: They have passed a resolution in the United Provinces that his tour should be boycotted. His tour has been boycotted by the untouchables of Burdwan from which place my Honourable friend, Mr. Amar Nath Dutt, comes. His tour has been boycotted by the people of Madras.

Rao Bahadur M. C. Rajah: No, certainly not. Lakhs of people attended his lectures.

Pandit Satyendra Nath Sen: He was escorted by the police in Madras.

Rao Bahadur M. C. Rajah: Because several lakhs of people attended.

Pandit Satyendra Nath Sen: Not only the elder section of the people, but also the younger section have revolted against his movement. I have got with me a manifesto issued by the Youth League of Bengal under the caption *Gandhibad dhanso hok* which means let Gandhi's doctrine be destroyed. The young man, who is the Secretary of the Youth League, has been arrested and perhaps imprisoned by this time quite in keeping with the conduct of the Government who ask the thief to steal and the householder to keep watch on the thief.

Mr. B. Das: Will my Honourable friend enlighten us whether the Leader of the Youth League objected to the Harijan movement or to the political views of Mahatma Gandhi?

Pandit Satyendra Nath Sen: They have put ten questions to Gandhi and they demand answers to all of them. One of the questions is regarding his Harijan tour. While Manu is still reigning in peace still and while his reign brought peace and concord to the country, Gandhi's regime is being tainted with strife, with schism and with bloodshed . . .

An Honourable Member: How is it relevant?

Pandit Satyendra Nath Sen: If "down with Manu and long live Gandhi" is relevant, this is also relevant.

Sir Muhammad Yakub: But Sir Hari Singh Gour will not give any peace to Manu also.

Pandit Satyendra Nath Sen: I am not responsible for his views. Sir, the non-violent followers of Gandhiji are being let loose to make bloodshed at the cost of the Sanatanists. Swami Lalnath, the captain of the volunteers, was assaulted and injured the other day at Jubbulpore and two great Sanatanist pandits had been assaulted and injured at Palghat the other day. This, Sir, is the previous history and I will now proceed with the proper discussion of the Bill. Honourable Members will realise that the Bill has got three different aspects, religious, social and political. While discussing the Bill on the last occasion, I spoke a few words from the religious point of view. I confess that I do not understand yet whether it is a religious measure or a social measure or a political measure. Gandhiji says that it is a purely religious question, while others say that it is a political question. I do not know who utters the truth and who utters the lie. From Mr. Gandhi's utterance, *viz.*, that the Hindu religion will perish if this untouchability is not removed, it appears clearly that it is a religious question. But may I ask, when and where has Mr. Gandhi made a special study

of religion? It has been a fashion nowadays that those who are innocent of the holy writs, nay, even of the holy script, are to be regarded as greater authorities on questions of religion than those who have devoted their whole life to the study of that subject. If it is, really a religious question, Mr. Gandhi ought to have the courage to face a Shastric discussion with the pandits. But whenever he has been invited to such a discussion, he has always avoided it at the last moment. Even the other day, he was invited by the pandits of Anantapore in Madras to which he replied that he was not prepared to hold a conference with them.

Sir, I have already said that others take it as a political question. Pundit Malaviya and his followers take it as such. Their view is that this particular measure is being engineered with a view to strengthening the position of the Hindus. Their apprehension is that if the untouchables are not treated with a greater amount of kindness, as they are pleased to call it, they will embrace Islam or Christianity and the position of the Hindus will be weakened. But pray, why should they embrace Islam or Christianity? The Brahmo Samaj is there, the Arya Samaj is there. It is only the Sanatanists who are oppressors and not the Brahmos or the Arya Samajists. The untouchables may easily embrace one of those religions and keep the position of the Hindus intact. And what is the number of these untouchables? I think they are not more than five per cent. of the total population.

An Honourable Member: They are seven crores.

Pandit Satyendra Nath Sen: Mr. Gandhi says 40 millions and Mr. Rajah says 46 millions. That does not mean seven crores.

An Honourable Member: What are the Government figures?

Pandit Satyendra Nath Sen: Mr. Gandhi's figure is 40 millions and he is, a greater authority on this subject than Government. Sir, whatever may be the number, Honourable Members know that the numerical strength plays a very unimportant part in the actual strength of a community or of a nation. Just consider the position of Russia and Japan; just consider the position of the Parsi community whose number is handful, but still they occupy an influential position in India. And if you are really eager to increase your number, why do you advocate the necessity of birth control in the same breath? You cannot hunt with the hound and run with the hare at one and the same time.

Sir, as to the social aspect of the question, I should remind Honourable Members that the word "social", so far as Hindus are concerned, is almost always a misnomer, and "social" always means "socio-religious". That being the case, no one can compel me to touch a person whom I regard as unclean and there can be no legislation compelling me to touch a person whose touch my Shastras enjoin me to avoid. It may be argued that they may be taught to be clean; but I say emphatically that by their avocation, by their habits and by their culture they can never come up to the standard followed by the caste Hindus. There may be one or two exceptions, but we should not forget the principle that "majority always determines the character".

Rao Bahadur M. C. Rajah: Amongst them there are much cleaner men than Brahmins.

Pandit Satyendra Nath Sen: Take the case of a surgical operation. However clean and cultured you may be, you will not be allowed to handle the surgical instruments. Similar is the case with the caste Hindus and the untouchables. Even if there are one or two exceptions who may be clean or cultured, the general rule is that they cannot come up to the standard of the caste Hindus.

Mr. B. Das: As a representative of caste Hindus, I strongly demur.

Pandit Satyendra Nath Sen: Apart from these considerations, there are others to which I alluded during my last speech. This is a sort of non-co-operation movement by which we segregate ourselves from the untouchables and it is a pity that the father of the non-co-operation movement cannot understand the proper spirit underlying this custom. Sir, the Hindu religion is based on some philosophy which is more valuable than fickle science. Sir, we are not bound to give up our own philosophy at the bidding of one who is perhaps not a Hindu. A *Vedantin*, for example, cannot give up his doctrine and become a *Naiyayik* or an atheist at the frown of a renegade. Sir, I have ventured to say that Gandhi is not a Hindu and I am prepared to prove by his utterances and his acts that he is really not a Hindu. He may be a Hindu by birth

Rao Bahadur M. C. Rajah: No, he is a European

Pandit Satyendra Nath Sen: But Hindu is not the antonym of European.

Sir, all this trouble, I mean the present movement, is due to the abandonment of a single principle, I mean the law of *karma*. Those who are not prepared to abide by that principle, which is one of the basic principles of the Hindu religion, cannot claim to be called Hindus. I venture to submit that even the untouchables who are prepared to abide by these principles are better Hindus than those well dressed and English-speaking Hindus who are only Hindus in name

Rao Bahadur M. C. Rajah: What are you speaking now, English or Hindi?

Pandit Satyendra Nath Sen: I am speaking English, because the Honourable the President will not allow me to speak in my own mother tongue, because that is the rule.

Rao Bahadur M. C. Rajah: There is no rule like that: this is how you quote rules which do not exist.

Pandit Satyendra Nath Sen: If I am allowed to speak in my mother tongue, I am prepared to do so.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order: the Honourable Member must be allowed to proceed without interruption.

Pandit Satyendra Nath Sen: I may cite one story here. We have all heard the name of Sister Nivedita. A great Yogin, named Kathia Baba, once visited the City of Calcutta: he met his devotees there: the meeting began in the evening and terminated late at night. Sister

Nivedita took her seat in one corner of the room; and when all the other members had left, she, with her characteristic meekness, approached the Yogin: the Yogin asked her: "Mother what is the matter with you?" She said: "Father, is it not possible for me to become a Hindu?" The answer was: "Why are you impatient? You will be a Hindu in the next birth". And the hearty reply was: "All right; I am pleased". This is the method by which one becomes a Hindu—by self-abnegation, not by aggression (Interruption) and not by interruption. (Laughter.) Mr. Gandhi may think that he is doing a lot of good to us: so also did think all the fanatic preachers of different religions. They thought they could send us to Heaven in the course of a single day if they were provided with adequate power; but should we follow their precepts on that account? It may be argued that the case stands on a different footing with Mr. Gandhi, because Mr. Gandhi is an extraordinary man. Extraordinary he may be, but he is not an infallible man. We have often seen that he commits Himalayan blunders to which I referred in my last speech. Even during his last fast, his lieutenant, Mr. Rajagopalachariar, said that he was going to take a wrong step, and one of his right-hand men, Pandit Malaviya, said that the step which he was going to take was unjustifiable. So, where is the guarantee that he is not mistaken even in the present case? We know that he is a man of an impulsive nature and that his movement has assumed an undue amount of importance owing to that characteristic of his nature. We all remember his salt campaign, his *charkhā*, his non-co-operation movement and his civil disobedience movement, and this will also share the same fate: I have no doubt of that in my mind.

Mr. B. Das: May I rise to a point of order and ask whether the Honourable Member is right to allude to Mahatma Gandhi's activities on salt, *charkhā* and civil disobedience?

Mr. President (The Honourable Sir Shanmukham Chetty): That is not a point of order.

Pandit Satyendra Nath Sen: I am only referring to these things briefly. . . . (Cries of "Go on".)

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Go on like this: it will gladden the hearts of the officials!

Pandit Satyendra Nath Sen: I do not curry favour with the officials: that is not my nature. Reference is often made to common sense and to public opinion, both of which I think are futile. Common sense in these matters is no better than common ignorance, and I may remind Honourable Members that public opinion has been characterised by Thackeray as "that great big stupid" and the same view was taken by Cardinal Newman and by Mr. Asquith—Lord Oxford.

I have already referred to the Civil Disobedience Movement which has been abandoned by Mr. Gandhi keeping his position intact as far as possible; and some are inclined to characterise this movement as only an escape from that Civil Disobedience Movement: when he was compelled to give it up, his choice naturally fell on a similar disobedience movement; it was only a transfer from politics to religion. This movement is only a Civil Disobedience Movement against the established religion and religious customs. By this movement he is going to surrender our

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religious Swaraj to the foreign rulers; he was a staunch supporter of political Swaraj, but he is now going to surrender the much more valuable Swaraj in the expectation of some imaginary or less important thing, perhaps nothing in reality. We should not forget that this religious Swaraj was purchased one day by the life-blood of the Indian sepoy, and Mr. Gandhi is going to surrender this religious Swaraj in this unwarrantable manner to the foreign rulers. Sir, I have remarked that Mr. Gandhi is not a Hindu in his utterances or in his acts. I will refer here to one particular fact. It was only the other day that he married his son (he himself is a non-Brahmin) with the girl of a Brahmin. . . .

An Honourable Member: What is wrong in it?

Pandit Satyendra Nath Sen: That is never sanctioned by the Hindu Shastras. And whenever there is such a marriage, I mean
12 Noon. a marriage beyond the proper limits sanctioned by the religious laws and usages, Mr. Gandhi always comes forward with his blessings. His lieutenant, Mr. Kelappan of Gurusvayur fame, married a Christian lady, and still he is pleased to call himself a Sanatanist. Miss Krishna Nehru, a Brahmin girl, married one Mr. Hathibhai, who is a non-Brahmin, and still they call themselves Sanatanists,—and Mr. Gandhi is a Sanatanist of that type.

I have already made it clear in one of my previous speeches that we are not in the least inimical to the welfare of the untouchables so far as their moral, vocational or their economic welfare is concerned. We do not hate them, for how can we hate them? Because our teaching is that, if we hate them, we will be paid by God in our own coin. That cannot be the injunction of the sages who felt even for the lowest of the lowest. It will be interesting perhaps to most Honourable Members here to know that when we collect the *tulsi* leaves or *bilvapatra* for our daily worship, we have first of all to propitiate the plant and then pluck the leaves one by one very gently so that the plant may not be pained in the least. . . .

Mr. Amar Nath Dutt: What is the *Mantra* please?

Pandit Satyendra Nath Sen: When this is the position, it is incredible that the sages have taught us to hate anybody or any section of human beings. On the other hand, we look on them with a certain amount of sympathy. I should say that untouchability, as practised in India, is the mildest of all. Untouchables there are in every part of the country. In other countries untouchability is based upon wealth or rather on man's arrogance, whereas we in India have left the question entirely to the hands of God who is the only infallible being. Sir, the untouchables of our country, if they stick to their vocations which have been allotted to them by our Shastras, will be much happier than the untouchables in other countries. This is what appears in the *Statesman* of the 18th November, 1928. This is from the pen of Mr. Justice Westley Howard of the Supreme Court of New York. The article is headed—“Is civilisation worth having?” Here he depicts the condition of the untouchables in other countries, in New York, in London, in Vienna, in Paris, etc.:

“In these basements and attics babies are born who never see the blue sky or smell the fresh air, and mothers die who never touched the greenfields or walked in the silent forests. And this is civilisation! Those who prowl in the dark and

fit like spectres in the gray of the morning. Those who sleep with their clothes on in bunks or rags, eaten with vermin, stupefied with stench; living in squalor, want, privation, wretchedness, filth and disease.

In this region of the wretched, beyond the pale of law and the touch of charity, babies are strangled, the old are abandoned, the sick neglected, the weak maltreated, the insane tortured, the young polluted. In these crowded quarters of the lowly, women lie in confinement in the same room where thugs swear and gamble; the dying gasp and struggle while thieves smoke and wrangle; children play and prattle while harlots drink and gabble."

and so on.

Nobody will deny that untouchables in our country are much better than these unfortunate beings. We have given them a living, to which, if they stick, they will be able to live happily and merrily, and they are really doing so. There is another quotation in this connection. When Bernard Shaw came to India and was questioned about untouchability, this is what he said:

"The working man is practically an untouchable to Duchesses and capitalists. A Dutchess may not object to the shadow of a labourer falling on her, but if he wants to marry her daughter, he will soon find that he is in reality an untouchable. That, I assure you, gives me quite enough to think of without bothering about untouchability in India."

He added that millionaires and men in high position did not intermarry with them and did not go even as far as Indians did.

I admit¹⁸ that most of the untouchables are economically backward, but I should also remind Honourable Members that their economic condition has been worsened during the British reign. This was clearly admitted by Sir Sankaran Nair himself in his speech in 1919. Their condition is being worsened, not only by British rule, but also by the reformers. It was only the other day that we read in the papers that a Brahmin youth was congratulated lustily by our leaders, because he earned one rupee by polishing the shoes of Sir Tej Bahadur Sapru and thus snatched away the bread of his neighbour, the cobbler. I admit that they are economically backward, and if we have not shown our zeal in ameliorating their condition so long, that is not a great sin on our part, because poverty in India is not regarded as a sin, it is not regarded as a disqualification. If there are untouchables who are poor, there are thousands of Brahmins who fare much worse than the untouchables, and there are grounds for it. In an untouchable family, every one is a wage-earner, the male, the female, the boy, the girl; while, in a Brahmin family, the male member is the only earning member on whom depend all the other members of the family. How much tears have been shed by Mr. Gandhi and his followers over the pitiable lot of these starving Brahmins?

Sir, I do not deny that there are inequalities. Inequalities there must be in society which is only a bundle of inequalities. God has created these inequalities. God has created the mountains, God has created the oceans. So, there must be inequalities. Of course, there are people who make tall talks about equality, fraternity and liberty. These are high sounding words and sweet words indeed. They are much talked of, but never observed. Equality, fraternity and liberty, to a reasonable extent, have never been observed by anybody else except by the Hindus. I will tell you a very brief story. When the Parsis—I am sorry that my Honourable friend, Mr. Anklesaria, is not here—when the Parsis were being tortured, were

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being oppressed in their own native land, they came to Guzerat and they approached the King of Guzerat named Jadhav—not our Mr. Jadhav—and prayed that they might be accommodated in his country. He accommodated them readily, without demanding a passport or without refusing a passport to them. We know what a difficult task it is to have a passport in these days. Even yesterday we had a question regarding the differential treatment of coloured persons put by my Honourable friend, Mr. Gaya Prasad Singh.

Sir, there is a positive side of this untouchability which has kept the different castes in perfect amity and concord from time immemorial. There is not a single caste which is absolutely superior or which is absolutely inferior amongst the untouchables. Mr. Gandhi calls the caste Hindus sinners against untouchables, forgetting the fact that it is not the caste Hindus alone who have sinned against untouchables, but amongst the untouchable themselves one sins against the other. A Namasudra, for example, would not eat from the hands of a washerman. Is he not a sinner then? Then why am I singled out for being punished for being a sinner? If I am a sinner, he (Mr. Rajah) is no better.

While discussing the merits of this Bill, we should not lose sight of its full implications. We are going to abolish one kind of untouchability, namely, that which is based on birth, but there are other sorts of untouchability as well. We are often regarded as untouchable during certain periods of *Asauch*. My son even is regarded by me as an untouchable when I am eating my meal. I do not touch him, and if he touches me, I have to give up my meal. There are other kinds of untouchables also. Females are regarded as untouchable periodically. What are we going to do with all those kinds of untouchability? Are we going to give them up?

An Honourable Member: Is it in accordance with your Vedas?

Pandit Satyendra Nath Sen: Yes. There are other forms of untouchability also. Prostitutes are regarded as untouchable. If they insist on being touchable, am I to abide by the dictates of these persons? If all the other forms of untouchability remain and only one form of untouchability vanishes, what will be the result? There will be so many anomalies in society to which I referred in my previous speech.

We know that this campaign cannot succeed, and we know that Government are not going to support this movement if they do not go off their head. They are simply playing a game at the cost of both these parties which is a policy highly reprehensible. They are amused to see that a tug of war is going on between the reformers and the Sanatanists.

An Honourable Member: And the Sanatanists are walking into the parlour of Government.

Pandit Satyendra Nath Sen: Although I am sure that this movement cannot succeed still when we consider what a vast amount of energy is being wasted on both sides,—and it is being indirectly encouraged by Government,—we cannot but condemn the conduct of Government.

An Honourable Member: How can Government help it?

Pandit Satyendra Nath Sen: They could have helped it from the very beginning. It is they who have granted special privileges for carrying on this campaign. We have not forgotten that.

Mr. B. Das: Do you want the Government to put Mahatma Gandhi into jail again? Is that your suggestion?

Pandit Satyendra Nath Sen: I cannot help, because he is the father of the movement; I must make some reference to him. This movement is being carried on in a most objectionable manner. Various sorts of falsehoods are being disseminated by eminent persons holding responsible positions, to some of which I would refer in a word or two. I have collected seven of them and I won't take more than seven minutes in dealing with them. No 1 is their contention that the caste system is not to be found in the Vedas. I should like to refer them to the famous *Puṣhasukta* of the Rig Veda, as well as Sukla-Yajurveda, Chapter 30, which makes a clear mention of the four castes together with some sub-castes.

An Honourable Member: What is the text?

Pandit Satyendra Nath Sen: I am not going to quote the Vedic text in this Hall. I have given you the reference and you may see it for yourself. It has been argued that Lord Chaitanya discarded untouchability. This is absolutely false. While he was living at Juggernath, it was only the Brahmins that entertained him with boiled rice, but the non-Brahmins used to entertain him with *prasad*. That shows that he was a staunch follower of the caste system. Two of his pupils were imprisoned by a Muhammadan ruler and they could not observe the full ceremonial cleanliness and, therefore, they regarded themselves as degraded. They always avoided the company of the other devotees so that they might not pollute them, and with this conduct of theirs Lord Chaitanya was very much pleased. That has been clearly mentioned in his life, called *Chaitanya Charitamrita*, written by Krishnadas Kaviraj.

It is asserted by the reformers that Ramchandra ate from the hands of Guha, his friend, but the history that we have in the Ramayana is quite different. It is stated:

“*Lakshmanena bhrītam bari pitam tena mahatmana.*”

Ramachandra spent that night by drinking water only fetched by Lakshmana. The next point is that Nārada was the son of a maid-servant. Sir P. C. Ray is responsible for this utterance, but it is clearly stated in the Bhagavata that he was the son of a maid-servant during his *previous* life. That makes a lot of difference. A responsible person like Sir P. C. Ray should not make such irresponsible statements in his public speeches. This has been reported in a paper called *Aj*. In a paper, named *Manoranjan*, I do not know where it is published from, it has been said that the untouchables were allowed access during Yudhisthira's *Raj Sūya* sacrifice. The information supplied by the Mahabharata is quite different. The text is this:

“*Na tanyam sannidhan sudrah kaschid asid na chavroti
Autar-vedyan tada rajan Yudhisthira-nivashane.*”

[Pandit Satyendra Nath Sen.]

When the sacrifice was going on, there was not a single Shudra, or even one who was not observing a vow, in the neighbourhood of the seat of sacrifice. The next item is that Vashishta was the son of a prostitute. This was also said by Sir P. C. Ray. But the Devi Bhagavat says:

"Tasmad ayonijah kale bhavita twam na samshayah."

That is, he was not born of any womb and that he had a supernatural birth. Then the next point is that Vyasa was the son of a fisher girl. This is a common error both among the reformers and others. When Bhishma went to beg for the girl, called Satyawati, her foster father, Dasaraj, said:

*"Yasya sukrat Satyawati sambhuta vara-varnime
Tena me bahushah tata pita te parikirtitah."*

That is, your father has been spoken of very highly by the *father* of Satyawati, thereby indicating that he was not her actual father. So, he was not the son of a fisher girl. These are some of the falsehoods that are being disseminated by the followers of Mr. Gandhi to which we must emphatically object. These things should be stopped and if this propaganda is not stopped by Government in time, then I give a warning that there is every likelihood of the days of the mutiny being recalled. With these words, I beg to oppose the motion.

An Honourable Member: You will lead the mutiny.

Pandit Satyendra Nath Sen: I will.

Mr. B. V. Jadhav: Sir, I have not the acumen of the learned Pandit who has just sat down, nor have I the time to waste over the subject. My learned friend has taken this House over a wide range of subjects. He has discussed and demolished the reputation of Mahatma Gandhi and lastly he has threatened the Government with dire consequences if they do not accept his advice and stop the progress of this Bill. Sanatanists have very short memories and I think they are deplorably wanting in the logical sense. The Honourable Member, Pandit Sen, continued his speech of 5th September in which he said: The reformers are no representatives of the Hindu community. They are not more than five per cent. of the entire Hindu community. Still in the same speech he complained that he was not accorded a patient hearing in a meeting at Calcutta and he wanted to call upon the Honourable the then Law Member as his witness, but unfortunately the Law Member was not in his seat at that time.

Pandit Satyendra Nath Sen: What is the objection?

Mr. B. V. Jadhav: Wait and have patience. The Honourable Pandit said that 95 per cent. of the Hindu population is on his side and yet it is strange that in the meeting in the Albert Hall 95 per cent. of his supporters could not check the five per cent. of the reformers. Today he says that the five per cent. of the reformers do not know their religion, that they do not possess common sense and that they are simply out to destroy the Hindu religion. This is one piece of logic. The Sanatanists always claim that they are in a majority, but they would not allow anybody

to ascertain the opinion of the majority, because they know in their heart of hearts that their boast that they are in a majority is a hollow one. The whole speech of the Honourable Pandit Sen carried the idea that he was up only to kill time and not allow a fair play to this Bill introduced by the Honourable Mr. Rajah. Sir, what is the gist of this Bill? What is the incertion of this Bill? Pandit Sen has been talking hoarse over the fundamental rights and over the rights of the Sanatanists or of the Hindus to worship according to their own religious doctrines. He is claiming the rights of every human being, but, at the same time, in the same breath, he is denying the same rights to a section of the Hindu community. Pandit Sen made a great show by quoting authorities from Scriptures. In winding up his speech, he criticised the authorities brought forward by others and laid stress upon their ignorance of Shastras. I need not traverse the same ground again. The examination of these texts is simply barren, without any result. Pandit Sen quotes verses and authorities, but I challenge him to say whether he observes them.

Pandit Satyendra Nath Sen: That question is irrelevant. I do observe to the best of my ability.

Mr. B. V. Jadhav: It may be irrelevant to the Pandit, but I think it is very relevant on the floor of this House, because that subject has been raised by the Pandit himself. May I quote the same *sloka* which he quoted the other day

Mr. Amar Nath Dutt: Where is that? In "Chandal Purana"?

Mr. B. V. Jadhav: Where that is Pandit Sen will tell you. He has quoted it from somewhere. Therein he talks of the untouchability of women periodically.

An Honourable Member: At what period?

Mr. B. V. Jadhav: Well, the best authority on that is the gentleman behind you. But I am quite sure the Pandit observes his *sloka* by night only, and not by day. The women of his family are untouchable at night, but not by day. I pause for a reply, Sir, whether that is not a fact.

Pandit Satyendra Nath Sen: I refuse to answer it.

Mr. B. V. Jadhav: Then he has just now said about the untouchability of the prostitutes. According to the Brahmins, they are untouchable by day, and not by night. (Laughter.)

Raja Bahadur G. Krishnamachariar: I object to that sort of thing. Who says they are untouchable by day? They are not untouchable. Please do not defame the great Brahmin community.

Mr. B. V. Jadhav: Sir, I am the best defender of the Brahmins as I shall presently prove, but the challenge was given by the Pandit himself. He said that prostitutes were untouchables. I know they are "untouchables" by day.

Pandit Satyendra Nath Sen: Are you speaking of your part of the country or of your own community alone?

Mr. B. V. Jadhav: Does the cap fit you? You are welcome to wear it then. Then I was told that a Brahmin, whatever his actions may be, is not degraded. I have got a very good authority for that. In my part of the country, they say that a Brahmin who has fallen from his estate is the greatest in all the three worlds,—and I really believe that. My friend, the Raja Bahadur, also, I think, said so, a few minutes ago. Now, I would like to know whether the wife of a Brahmin enjoys the same privileges. I think my friend, the Raja Bahadur, will enlighten me on this point. What has the learned Pandit to say about it?

Pandit Satyendra Nath Sen: Go on in your way instead of killing time in this way

Mr. B. V. Jadhav: I am very glad my Honourable friend has become conscious that he had been killing time all along. I was expecting that conscience would prick him some day and I am very glad to see that it has pricked him already pretty quickly. Sir, the main point of the learned Pandit was that the Chandalas are suffering from their misdeeds in a former birth and that this is the law of *Karma*. I am a believer in the law of *Karma* myself, but I believe in the *Karma* of this birth and not of the last birth. Everyone is enjoying the fruits of his *Karma* in this birth. There may be some advantages from the *Karma* of the past birth. This subject has been treated very fully by the very same Vashisht who was described to have been “Ayonija”—not born of the human womb—by the learned Pandit a few minutes ago. In the great colossal work “Yog-Vashisht”, Vashisht states what the limits of the *Karma* of the past birth were. He clearly shows, that as a man enjoys the fruits of the *Karma* of yesterday, so he enjoys the fruit of the *Karma* of the last birth, but that, as the mistakes of yesterday can be cured by good deeds today, so also a man can correct the mistakes of his past birth and give a good or bad turn to his life in the present age. I make a present of this to the Honourable Pandit Sen. If he respects Vashisht, he ought to see that the mistakes of past births can be corrected by good deeds of this birth, and so the mistakes of the generations of Hindu Rishis and learned men ought to be corrected by the Legislatures of this day. The Legislature has got the power to do it, and no argument to the contrary can avail the Honourable Pandit Sen or men of his turn of mind. Now, basing his argument on the theory of *Karma*, Pandit Sen very seriously propounded to this House on the last occasion his theory. He said:

“So these untouchables owe their origin to serious violations of marital laws.”

May I ask the learned Pandit if all the 40 millions or 45 millions of the untouchables that are now to be found on the face of this country are born of parents who were responsible for the origin of these untouchables by way of serious violations of marital laws? Is that your opinion, Pandit Sen?

Pandit Satyendra Nath Sen: Will you kindly repeat it?

Mr. B. V. Jadhav: Your words are here. You say that these untouchables owe their origin to serious violations of marital laws.

Pandit Satyendra Nath Sen: I stick to that view.

Mr. B. V. Jadhav: According to Pandit Sen, 40 or 45 millions of untouchables that are to be found in India are born of parents whose origin can be traced to the violation of marital laws.

Pandit Satyendra Nath Sen: What I did mean is that their forefathers were not the lawful children of society, and it only stands to reason that as the son of a Brahmin is a Brahmin, the son of an untouchable is an untouchable, and so on.

Mr. B. V. Jadhav: Pandit Sen means to say that certain individuals violated the marital laws and gave birth to children from whom all the 45 million untouchables have descended and all the 20 or 25 millions of Brahmins that are to be found in India have also descended from Brahmin parents. Is not that so, Pandit Sen?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member should proceed with his speech.

Mr. B. V. Jadhav: My argument shortly is this. I am going to show that Pandit Sen is calling into question the general morality of Brahmin women. When he says about the violation of marital laws, he knows it perfectly well that all the children born out of wedlock are not untouchables. They are still touchables and their number is going to be added in every generation. But according to his ideas, the offspring of a Brahmin woman by a Shudra is a Chandala, but the member of any other class is not a Chandala. So, the marital relations are such that the parents are a Brahmin woman and a Shudra man. Now, we find that there are about 45 millions, according to Pandit Sen, of the untouchables and there are about 20 or 25 millions of Brahmins. So, the number of Brahmin women who formerly went astray and had children from Shudras was much larger than the number of Brahmin women who remained honest and lived with their husbands.

Pandit Satyendra Nath Sen: I confess I cannot cope with your supernatural logic.

Mr. B. V. Jadhav: I pity Pandit Sen if he cannot understand the logic. The logic is plain, Sir. The number of untouchables is at least twice the number of the Brahmins.

Mr. Amar Nath Dutt: Is not the Brahmin community entitled to some protection from the defamatory onslaughts of this speaker?

Mr. B. V. Jadhav: I am simply interpreting what I was told in all seriousness about the origin of the untouchables. I do not accept his theory that the offsprings of a Brahmin woman from Shudra man were the Chandalas. I have got a theory of my own as to how this untouchable class came into existence. But the Brahmins of today are clinging to the theory that they were the offsprings of Brahmin women and Shudra men. Pandit Sen himself has said that.

An Honourable Member: He quoted Manu.

Mr. B. V. Jadhav: What I wish to say is this that I do not substantiate his theory.

Pandit Satyendra Nath Sen: That is not my theory; that is Manu's theory.

Mr. C. S. Ranga Iyer: If that is Manu's theory, then I should say he must be damned.

Mr. B. V. Jadhav: I think the Brahmins have made a conspiracy of traducing the Brahmin women and I shall stand by the Brahmin women. I say that the Brahmin women are much better than even Brahmin men. The Brahmin women have all along kept to the right path, and to say that they were responsible by their moral slip in favour of the detested Shudra to give birth to Chandalas is simply false. Manu cannot be accused of it. Some Brahmin or some person like Pandit Sen might have interpolated that *sloka* in the Code of Manu. But let me assure my friend, Pandit Sen, that as he did not know the laws of the country and was simply reading from an article which appeared in the Sanatanist organ, the *Indian Mirror*, so also he might have got hold of an article in the same valued paper which attributed the birth of the Chandalas to the misconduct of a Brahmin woman with a Shudra. Without realising the implications of that statement, Pandit Sen was, I think, rather hasty to quote it on the floor of this House. I shall say nothing further on this point. Whatever the origin of the Chandalas may be, they must be given the rights of human beings. Pandit Sen has regaled this House by quoting from George Bernard Shaw and some authors in America and others. Even if we take it for granted that untouchability is to be found in America or in Africa or in the ducal houses of England, the untouchability observed in India cannot be justified. Whatever the conditions there may be, the untouchables of America, the untouchables of Africa and the untouchables of the ducal houses of England are allowed to stray within the limits of the town, are allowed to have their share of the rights of citizens and are allowed to carry on any avocation they like. The untouchables here are prevented from doing all these things. The object of this Bill is to help the untouchables in the way of taking to any honest calling. At present a Sanatanist or his sympathiser is allowed to go to a Civil Court and ask for an injunction if an untouchable claims the right of a human being. The Bill is really a social piece of legislation. It does not come in the way of any Sanatanist following according to his own conscience, and, therefore, I do not think there is any justification in opposing this Bill.

The conscience of the Sanatanist is a very delicate organ. When an untouchable becomes a Christian or a Muhammadan, he loses his untouchability and even the Sanatanist does not take the trouble of following the religious tenets and he will not take a bath if touched by such a person. My Honourable friend, Pandit Sen, on a former occasion told us that there were certain substitutes for baths. He was asked that as he came in contact with the Honourable Member, Mr. Rajah, who is an untouchable, whether he took a bath every day after going home. It is well known that he does not. What is the justification for saying that there are substitutes for bath. No doubt there are substitutes, but they will not make one clean. If a bath is for the purpose of securing cleanliness, then any substitute for it is of no use.

Pandit Satyendra Nath Sen: Cleanliness is of two kinds.

Mr. B. V. Jadhav: I would like the visible cleanliness and not the invisible cleanliness of which Pandit Sen is so fond.

Mr. Amar Nath Dutt: You are not much fairer than Pandit Sen. He may be a little more black.

Mr. B. V. Jadhav: I would ask a simple question of the Sanatanists. If they can have substitutes for bath, can they not find any substitute or any formula by which the untouchability of these untouchables will be taken away?

Mr. G. Morgan (Bengal: European): Send them to the League of Nations.

Mr. B. V. Jadhav: Are the sacred Shastras so impotent that they cannot find a formula for achieving this? Had they done so before, I do not think my Honourable friend, Mr. Rajah, would have come forward with this Bill before the Assembly. The Sanatanists will do nothing of their own accord and they would not allow others to help in their own way. They will always try to put obstacles in the path of justice. My Honourable friend, Pandit Sen's arguments about the different avocations allotted to the untouchables and the distressful condition of the Brahmins which he described in moving words are, I think, sufficiently convincing to this House. It is news to me that the Brahmin community is in a very perilous condition. The Brahmins of olden times had chosen poverty as the badge of their tribe, but that badge was thrown away long long ago and the Brahmins are now to be found pursuing all avocations and amassing wealth as much as they can.

Pandit Satyendra Nath Sen: Some of the untouchables also are doing the same.

Rao Bahadur M. C. Rajah: Why not?

Pandit Satyendra Nath Sen: We do not grudge them doing so

Rao Bahadur M. C. Rajah: But you say that poverty is the badge of your tribe, at the same time you are amassing wealth.

Mr. Amar Nath Dutt: They refer to the Raja Bahadur.

Mr. B. V. Jadhav: My Honourable friend does not grudge the untouchables their better days. But his great authority, Manu, whom he follows, has stated that if a Shudra accumulates wealth he becomes arrogant and thus he becomes a menace to the Brahmin community and, therefore, it is no wrong to deprive him of his wealth. But the foreign Government, shall I say blessed or cursed, I do not know, has prevented all this looting of the Non-Brahmin communities by the Brahmins and, therefore, the Non-Brahmin communities should all bless the foreign Government. But, on the other hand, the Brahmins and Sanatanists like my friend, Pandit Sen, who honour Manu and his commandments, must be cursing the British Government for preserving law and order.

Sir Muhammad Yakub: Sometimes you also join them.

Mr. B. V. Jadhav: Sir, the subject of untouchables has been engaging the attention not only of Mahatma Gandhi, but of greater men before him. The struggle of the Brahmins and the Non-Brahmins is an ancient one. Even in the Vedic period, the followers of Vashisht and the followers of Vishwamitra were at loggerheads and, according to the opinion of the learned, Vishwamitra's was a rebellion against the supremacy of the Brahmins. The rise of the Great Buddha and the great Jain Tirthankaras is also due to protest against the tyranny of the Brahmins. In the 15th century, a Brahmin, by name Eknath, threw his heart and soul in the abolition of untouchability. Later on, about 1850, the founder of Satya Sodhak Samaj, Mahatma Jotirav Fuley, also reopened the same question, but he was opposed tooth and nail by the Sanatanists of those days. The opposition of the Sanatanist is as keen and as bitter as it ever was. People of conscience and such people as take compassion upon the poorer classes will try their best to do justice to the depressed classes and to oppressed men. The upper classes who are enjoying special privileges and who fear that their position might be compromised are always up in arms against such movements. The attempt of Pandit Sen and men of his mind is on the same lines. The struggle will go on. The Indian conscience is awakened, and Mahatma Gandhi has contributed to that awakening. The younger generation in larger and larger numbers are realising the importance of this question of removal of untouchability. This question is eating into the tender parts of our society. The question ought to be solved sooner or later, better sooner than later. I hope that this House will realise the responsibility involved in this question and give their emphatic view in favour of the Bill introduced by Mr. Rajah.

Raja Bahadur G. Krishnamachariar: Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the
31st August, 1934."

1 P. M.

This amendment is practically the same as Mr. Sarma's except that I extend the time up to the end of August, 1934.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): When the Assembly will be no longer in existence.

Raja Bahadur G. Krishnamachariar: The life of this Assembly has been extended to the 31st December, 1934, and I always thought that August is at least five months before December.

Diwan Bahadur Harbilas Sarda: But the Assembly will be dissolved before then.

Raja Bahadur G. Krishnamachariar: I am not in the know of gentlemen who think that the Assembly is going to be dissolved, but I know this that there is generally a Session in Simla in September. My point is that the 30th June was stated, because, at that time, it was thought that this Bill would come up for discussion at Simla. The discussion did not end in Simla and the time that is given to the Temple Entry Bill is also required for this Anti-Untouchability Bill, and that is the reason why I say that the period lost may be made up by two or three months up to the end of August, 1934.

Mr. C. S. Ranga Iyer: But is there not a danger of this Bill not coming before this Assembly at all by putting it off till August in case there is no September Session, and we have to face a General Election? Therefore, I would ask the Honourable Member to be conciliatory and at least to make it possible for this Assembly to take up this matter.

Raja Bahadur G. Krishnamachariar: I am glad to have that little expression that my Honourable friend used,—"we have to face a General Election". I want you to do it; I want you to go into the country and say that you want to abolish untouchability. And if the country gives you a mandate to come to this Assembly on that issue, you can have your Bill passed and I shall sit down quietly. But certainly my idea is not to shut it out from this Assembly, but if my friend wants to make it the 1st August, I would not mind. What I want is that there should be ample time in the words of His Excellency the Viceroy for all shades of opinion to be obtained; and I say that there is not much time between now and the 30th June for this Bill to be considered so much in detail, as for instance, the other Temple Entry Bill. So, with your permission, Sir, and in order to satisfy my friend, I will say 1st August instead of 31st August.

Mr. C. S. Ranga Iyer: Is this not a less complicated Bill?

Raja Bahadur G. Krishnamachariar: I shall immediately show that it is a more complicated Bill.

Sir, in the first instance, I should like to invite the attention of this House regarding the genesis of this Bill. Mr. Rajagopalachari, a trusted lieutenant of Mr. Gandhi, has issued a book, named "The Plighted Word", in which he gives shortly a history of the introduction of this Bill. He says that in Poona there was a certain pact between Mr. Gandhi and certain gentlemen who were extreme reformers regarding the rights of certain classes of the Hindu community, and as a result thereof, there was a resolution passed at a public meeting in Bombay. In that resolution it was stated:

"This Conference resolves that henceforth, amongst Hindus, no one shall be regarded as an 'untouchable' by reason of his birth, and that those who have been so regarded hitherto will have the same right as other Hindus in regard to the use of public wells, public schools, public roads and all other public institutions."

I am particularly anxious that this House should remember these words, because I shall have to deal with it in some detail when I come to the provisions of the Bill itself:

"This right shall have statutory recognition at the first opportunity, and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time."

--Nobody has any objection to that. When your Swaraj Parliament comes, this will be the first Act--

"It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, the early removal of all social disabilities now imposed by custom, etc."

It is stated that, in pursuance of this, Mr. Gandhi advised that this Bill should be introduced and it must be placed before the present Legislative Assembly. Now, my friend, Pandit Madan Mohan Malaviya, who, I suppose, is just as good an authority as anybody else in this matter, and

[Raja Bahadur G. Krishnamachariar.]

to whose presence and influence Mr. Gandhi owed his ability to pass this pact and this resolution at the Conference, says in a letter to Gandhiji with regard to this resolution:

"You referred in your letter to the resolution relating to the removal of untouchability passed at the Bombay public meeting held after the fast week. I agree that it is the duty of every Hindu who was a party to it to make good the resolution. And it is to me a cause for supreme thankfulness that I was able to persuade the orthodox people assembled at the Mahabha to pass the resolution they did which goes almost as far as the Bombay resolution. But you will, of course, also agree that we are equally bound to stand by the provision of the resolution passed at the public meeting held in Bombay on 30th September last, which stated that in the efforts to be made to secure the benefits mentioned in the resolution to the depressed classes, no force or compulsion shall be used, but resort shall be had to peaceful persuasion only. I hold that this rules out Satyagraha or fasting to have the temples opened to those who are at present not allowed to enter the temples. I also hold that this rules out, even more clearly, any attempt to seek the help of the Legislature to secure such entry into temples."

So that Pandit Malaviya, who was instrumental in getting this resolution passed, clearly understood the resolution to mean that such an attempt as is now made through the Legislature, should not be made, but that it should be done through peaceful means. The peaceful means culminated the other day in a speech made by Mr. Gandhi at Raipur where he told the audience in all seriousness "If you do not abolish untouchability voluntarily, force will be used". He said that in so many words. I challenged him by a letter in the public press whether or not he used that language and, if so, whether it was in accordance with the resolution of the Bombay conference that it should only be by peaceful persuasion and by no other process. However, that is by the way. So that it is perfectly clear that Mr. Gandhi, the father of this resolution, desires that it should go through this Assembly, although another gentleman of equal standing interpreted that resolution by saying that recourse should not be had to the Assembly, and, consequently, I submit, this is practically a process of coercion by which it is attempted by Mr. Gandhi to remove untouchability by having recourse to this attempt to get this Bill passed . . .

Mr. C. S. Ranga Iyer: Passing of legislation means coercion, does it?

Raja Bahadur G. Krishnamachariar: The passing of legislation is certainly coercion, for the Legislature compels persons to do things which are against their conviction, which are against the dictates of their religion which have been purposely excluded from the Legislature by all principles of justice and good Government; that is the reason why I say it is coercion. In fact, a legislative Act is an act of coercion: it may be a right sort of coercion; every legislative enactment is a coercion and the sanction behind it is the punishment that a man would be subjected to if the order embodied in that legislative enactment is disobeyed, and, consequently, one need not be ashamed to say that recourse to the legislature is an act of coercion . . .

Mr. C. S. Ranga Iyer: But will you agree to this coercion if I get a mandate from the people?

Raja Bahadur G. Krishnamachariar: Then it is not coercion at all: it is only an expression of the peoples' will through the constituted authority. The very hypothesis puts out of court the question of coercion, because, when the Legislature, as it is supposed to be the mouthpiece of the com-

community acting under its authority, finds that the community wants a certain thing to be brought into existence, it is the only organ by which that thing can be brought into existence, and, consequently, it is absolutely no coercion whatsoever

Diwan Bahadur Harbilas Sarda: You mean the majority of the community?

Raja Bahadur G. Krishnamachariar: This counting of heads is a matter which is a very long story and with which I do not want to trouble the House: the majority and the minority is a question which can never be determined

Diwan Bahadur Harbilas Sarda: You mean the mandate should be given by the entire Hindu community without one man dissenting?

Raja Bahadur G. Krishnamachariar: I do not want to go on with these hypothetical matters, because my friend, Mr. Jadhav, will get up and say that the only thing I am doing is to waste time and not to say what I have to say

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Raja Bahadur G. Krishnamachariar: Sir, just before we separated for Lunch, I was referring to the genesis of this Bill, and I quoted Mr. Rajagopalachariar's explanations as to how the Bill came into existence. I also pointed out how the venerable Pandit, Pandit Malaviya, did not agree with the step that has been taken. Mr. Rajagopalachari, in justifying his position, has trotted out the old argument that the British Judges have been standing in the way of the Hindu society, as they sterilised the Indian society by laying down laws which are no more observed by the people. Sir, I am not a prophet. I do not believe in prophesying unless I know the whole position thoroughly, but I know this much that the British Government has got to administer the Hindu law for the Hindus.

Diwan Bahadur Harbilas Sarda: As they understand it.

Raja Bahadur G. Krishnamachariar: Of course, as they understand it, because, so far as man is concerned, his intelligence is limited.

An Honourable Member: They have misrepresented the laws.

Raja Bahadur G. Krishnamachariar: And so have the reformers. I am very sorry that those who live in glass houses should attempt to throw stones at them. Those who do not know anything about the Hindu Law, those who do not know a word of Sanskrit except just enough to misunderstand, pose here as authorities on Hindu Law. The tragedy of the constitution of this Assembly is that men who never read Sanskrit, men who do not understand the Sanskrit language, men who never attempt to see why it is that certain laws and regulations are laid down, but are simply led away by the observations of orientalists who, hundred years ago, when researches had not advanced very much, were content only with looking at the contradictions and were not able to reconcile them, come up here and attempt to lay down laws for the Hindu society by saying: "Oh, this is a hopeless mass of confusion—you can never reconcile one dictum of the Hindu Law with another". And that is what Sir Thomas Strange said on one occasion. He lived long before the books were translated. My friend, Mr. Rajah, in his great enthusiasm to support his Bill, had the misfortune to quote Sir Thomas Strange. Sir Thomas Strange's Hindu Law has already been exploded. We have gone very far from him. Much water has flowed under the bridge since his time, and even if he came back to life, he himself would not agree to most of the propositions that he laid down. I was only pointing out in reply to an interruption from my revered friend, Diwan Bahadur Sarda, that the Judges who decided at that time decided the Hindu Law as they understood it, and I said that the tragedy of the position was that the reformers were equally so, they did not understand anything about the Hindu Law, and yet they took upon themselves the responsibility of amending it. That is the misfortune of it. If these people, who have to frame the law, are also compelled to administer it, then they would understand the difficulties. The fact of the matter is that they framed the laws in any way they liked and left it to others to administer them. The position, as it exists at present, is well summed up by an European author of great repute, and this is what he says:

"When things go wrong with the social structure of a nation through the general decline in the ability and stamina of its manhood, two distinct tendencies seem always to become noticeable. The one is to interpret changes which are merely the breakdown and decay of old and healthy institutions as signs of progress. In our era this is called evolution, and the other is, owing to the unjustifiable laws, confided in the governing classes, it is for every one, qualified or unqualified, to refer himself as entitled to make an attempt to put matters right."

A little later the same author says:

"Truth to tell, such a multiplication of nobodies far from producing somebody merely increases and complexes the already existing confusion."

The position is this, Sir. Old institutions are dying out, and they have ceased to command respect owing to the extraordinary system of education that we have been receiving. We have been brought up under a system of education which has deprived its recipients of all respect for our ancient culture. We are all brought up under such environments that these old institutions would necessarily tumble down—because these reformers say: "Oh, we are now reforming". The result is that everybody attempts to do things which he is not qualified to do, and all these nobodies put together, in the nice language of this author whom I have quoted, cannot produce somebody and they only produce confusion worse confounded. That, Sir, is the position and that also forms part of my

argument in connection with the genesis of this measure. It is a tragedy, it is one of the misfortunes of what they call the path of democracy, that religious matters, matters which should form the subject of consideration and decision by persons who have spent the whole of their life in the study of the subject, are left to people who do not understand sufficient Sanskrit, to people who get into these Assemblies by means of a qualification absolutely divorced from anything like the necessity to have a knowledge of even the elementary principles of law or experience of the world.

Mr. B. V. Jadhav: Is it not a gibe against the Professor?

Raja Bahadur G. Krishnamachariar: It is not a gibe against the Professor; it is a true, faithful and honest picture of what obtains, and whoever thinks that the cap fits him, I have no objection for his putting it on. That being the position, what is it that this Bill seeks to do? Sir, I submit with all respect that it does interfere with religion, and my first authority is Mr. Gandhi. Mr. Gandhi is responsible, he is the father of this movement. He admits, when challenged by Sir Nripendra Nath Sircar, that there is nothing of politics in it, it is entirely a matter of religion, and the Government of India, in giving their sanction, admitted, —I mean the Governor General admitted, that it was a question of religion, in the face of all these, this is what the Statement of Objects and Reasons says:

"The custom of segregation of certain Hindu classes as outcaste and untouchable and the social and other disabilities they suffer under in consequence of such custom, have been the subject matter of universal condemnation."

I think I shall dispose of the whole thing in this way. There used to be in England a story about the three amiable tailors of Tooley Street who said: "We the inhabitants of Great Britain and Ireland, we represent the whole of the United Kingdom". Exactly in that manner these people start by saying that this has been the subject matter of universal condemnation. Who condemns them? Half a dozen of these gentlemen, who, under a misguided education, lose respect for everything that, according to their old traditions, they ought to have respect for, shout loud. There is a newspaper press behind them which reports every act of theirs—it may be sense or nonsense or anything, and consequently the people see only one version in that newspaper, and they say it is universal condemnation. I am reminded, Sir, of a famous passage in one of Burke's speeches where he speaks of the grasshopper in the field making a tremendous noise, while, on the other side, the great cattle after feeding he down under the oak chewing the cud. It is these grasshoppers that make the noise, and people are led away by the fact that the whole country has universally condemned it.

Mr. C. S. Ranga Iyer: Who are the grasshoppers ?

Raja Bahadur G. Krishnamachariar: They are the handful of reformers who think that they have got the whole country behind them. Sir, the fact is, they have been educated, they are out of employment, and they want to try and get employment in this manner. So, they go about the country saying, if anybody has got any money, get hold of him and attack him. If the Government are not going to make him a Governor or a Deputy Governor or whatever it is, this is a Satanic Government and it must be put an end to. If somebody else has got some

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lands, expropriate them. These things happen, because unfortunately people, there are out of employ, and the only education that they get is literary education for whom no Government on earth, even if all the persons had to be employed, could find employment. And these are the grasshoppers.

Mr. C. S. Ranga Iyer: But do the non-reformers come under the category of cattle, to complete the quotation of the Leader of the Centre Party?

An Honourable Member: And chew the cud!

Raja Bahadur G. Krishnamachariar: And chew the cud entirely regardless of the noise that the grasshoppers make. The cattle that is of use to the country, the cattle that produces the wealth of the country, having done its work in the morning, having had the feed, goes and sleeps under the tree quite unconcernedly, in spite of the howling of the grasshoppers all the time. I say the non-reformer is that. I say with all respect to my Honourable friend, Mr. Jadhav, that we form 95 per cent. of the population, and if you go and count, you would probably find that we form even more than that. I do not attack the reformers. I greatly respect them for their courage in coming out for reform, but my little objection to them is, why shove down your ideas of reform down our throats. By all means form a separate community. But what I object to is this,—so long as you want to be a Hindu, follow the Hindu tenets, have the courage to do so. As Sir James FitzJames Stephen said at the time of the discussion of the Civil Marriage Bill, we can frame laws for people who call themselves Hindus, we can frame laws for those who have seceded from Hinduism and hold their own convictions, but nobody on earth, not even the British Government can ever frame laws for those who want to call themselves Hindus, but who would not abide by any injunctions contained in the Hindu Shastras. That is my little trouble with the reformers. Otherwise, I have nothing but admiration for the courage that they exhibit in spite of the fact that later in life they will be thoroughly disillusioned and unfortunately find that it is too late in the day for them to change. The Bill says, and I read it for the purpose of showing that it does interfere with religion:

“Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against, any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus, and no Civil or Criminal Court shall recognise any custom of untouchability or base its adjudication on such a custom.”

Certain religious ceremonies have got to be performed at a public place, for instance, on the river banks and in tanks, and I go and sit there, collect my people and perform the religious ceremony. If this Bill is to be passed, a member of the depressed class—I do not call them untouchables, because, as I shall presently show, there is a great deal of fallacy in thus naming them. I would much rather go by their ancient name of depressed classes. These people come and they sit there by me and wash their clothes and all their water is splashed against me and they bring their community and they sit there and wash to prevent me from performing the religious ceremony. I have absolutely no remedy against them, and that is one of the ways how it is possible for

them to interfere with my religion, and that is the reason why I say and why Mr. Gandhi also admits that it is a question of religion which he is now attempting to reform, and reform in a peculiar way. Two things he has told us. The first thing I have already said about his speech in Rangoon where he has threatened us, unless we say that untouchability is gone, he is going to make us do so by force. I cannot for the life of me understand, and probably I am dense, I hope that some follower of Mr. Gandhi,—probably my Honourable friend, Mr. Ranga Iyer, who is spoiling for a speech immediately after me in order to smash me—I hope he will be able to show how by force he is going to make me say that untouchability is gone from today. (*Mr. C. S. Ranga Iyer: "Force of opinion."*) Yet, at the same time, he says, getting rid of untouchability is not a question of force or law or anything of the kind, but it is a change of heart. That is to say, putting it psychologically, you are going to tell a man who is to be friend with me, like him, love him and directly it is so stated, I am going to like him! Another is this, it is even more fearful. Hitherto Mr. Gandhi was a mahatma, now he has become a prophet. He has become a prophet with a curse in his hands, and that curse he will bring out in this manner, and he has pronounced it in this way. If Hinduism will not get rid of this untouchability Hinduism shall perish. Cowper has said:

"Rome shall perish,
Write that word in the blood that is spilt."
"Hinduism shall perish,
Write that word in the untouchability that it suffers.
Perish hopeless and aborted,
Deep in ruin as in guilt."

If untouchability is not removed, the Hindu religion will cease to exist. Listen to the story of Hinduism. Hinduism has been in existence for 5,000 years. People will never believe the Puranas, because they say it is all mythical stories. Fortunately for me, I have got a right minded Englishman, Mr. Justice Pargitter, who has written a book, called "Ancient Historical Traditions", and let all those gentlemen, who defy the authority of the Puranas, listen to what this gentleman has said. It is always easier to speak. . . .

Mr B. V. Jadhav: Do you accept Mr. Justice Pargitter's conclusions?

Raja Bahadur G. Krishnamachariar: I do not know what his conclusions are exactly you refer. When I am referring to one matter, I hope I shall be allowed to finish, and if I find that his conclusions as regards other matters are unpalatable, I am quite prepared to meet them, but I am now dealing with a point which ought to be universally admitted as correct and it is this. Mr Justice Pargitter said, it is easier to speak the truth than falsehood. It is impossible to believe that those people 5,000 years ago sat down and deliberately concocted stories, for what? They are dead and gone, and why should they deliberately concoct these stories? Consequently the presumption is that those stories are true, and it lies upon those who deny the truth of those stories to prove that they are false. That is not what I say, but Mr. Justice Pargitter, a man who occupied the position of a Judge, and I suppose he knew something of what he was talking about and probably of dialectics and of law. If you do not want to go so far back as the Vedas and the Puranas, there was a person of the name of Megasthenes who has recorded his travels

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in India; and you will find, while describing the state of society at that time he refers to the existence of this untouchability. I think Megasthenes came here some time either before or after Alexander the Great, I do not remember exactly, it was certainly 2,000 years ago. For 2,000 years Hinduism has lived and, God willing, it shall live for another 2,000 years in spite of the anathemas that have been poured upon it by prophet Gandhi. It is not Megasthenes alone, there was Fahian, the Chinese traveller, who came here about the eighth century; he referred exactly to the same state of things. He pointed out that there was a certain class which were following professions which made it impossible for the general community to live near them, and so on and so forth. That is to say, he was referring to the depressed classes, and I believe it is 1,200 years since Fahian came and went away, and Hinduism is still alive, notwithstanding the fact that untouchability is also alive. Consequently all these imprecations fall completely flat upon us, because the basis of this untouchability, if properly understood, is in truth an eternal law. It is not a law made today, it is not a custom as it is wrongly alleged to be, but it is based upon the fundamental, eternal, impartial and moral law of God and nothing else.

An Honourable Member: What did Ramanuja say?

Raja Bahadur G. Krishnamachariar: I am coming to Ramanuja. I have got to say a lot about Ramanuja, the misreading of what he said, I may assure my Honourable friend that I am not going to leave this subject without referring to certain fantastic arguments that my Honourable friend, Mr. Rajah, put forward during my absence in connection with Temple Entry in supporting the position that he took up in connection with the depressed classes. But, Sir, I am now on the question that, affecting as it does an important religious question this Legislature could not and ought not to interfere with it. I know the sanction of the Governor General having been given under section 67, this Legislature is perfectly right to discuss it, but I respectfully say that the sanction is not correct and I ask you, as a matter of ruling, to kindly hear what I have got to submit and then say whether I am right or wrong. I know there is a clause which says that the conduct of the Governor General, except as the head of the Government of India, cannot be questioned on the floor of this House. I am not discussing the conduct of the Governor General as the representative of His Majesty; under section 63 of the Government of India Act, this Legislature consists of three personalities, first the Governor General, next the Council of State and lastly the Legislative Assembly, and that, without these three factors combining, there is no legislation at all, and if you kindly refer to the section which lays down the necessity of sanction of the Governor General and the various acts which the Governor General is intended to pursue in case of a difference of opinion between the two Legislatures or in the case of a deadlock, you find that those provisions as well as the provision which empowers him to veto, at the end of all these proceedings, all these come under the head of legislation in the Government of India Act commencing from section 63. When I respectfully submit that the Governor General was not justified in giving this sanction, I only refer to his act as part of this Legislature and it would not be correct to say that I cannot criticise the action of one part of the Legislature in connection with a matter which concerns vitally the jurisdiction of this House to

entertain or not to entertain a measure of legislation and, I submit with all respect that this being a matter of religion no permission ought to have been given. Lord Irwin, in his reply to the Muhammadan Deputation, led by Mr. Muhammad Ali, stated "As long as it is made clear to us that it was a question of religion, we never went near it". This being admittedly a religious matter, no sanction ought to have been given and all we would like to say is that it is wrong. Beyond that, I do not know if I can ask you to take the subject off the hands of the Legislature, because the previous sanction required by the Act not having been lawfully given, there is no sanction and consequently there is no Bill which under the law you can take cognizance of in this place.

Diwan Bahadur Harbilas Sarda: Then why do you speak?

Raja Bahadur G. Krishnamachariar: If I had the power in my hands, I would have said: "There is no Bill before you, gentlemen, you go out", but I have got to get the President to agree with me. If I sit mum, the President will not know what is passing in my mind. He has got to give a ruling as to whether there is a Bill or not. The Governor General has gone through the operation of giving sanction to the introduction of this Bill, but that is not a sanction as contemplated by law, because it contravenes the fundamental principles upon which the Government of India ought to be conducted, because the Government of India for 150 years have said that there should be no interference with religion and they have always repeatedly said so. The Governor General knows exactly the circumstances, the condition and the limitations under which he is exercising the discretion vested in him by law, but that discretion ought to be in consonance with the general principles of the British Government, and one of those principles is religious neutrality. The Governor General having transgressed that, the sanction that he gave, although it is said sanction, is not a sanction in law and I, therefore, respectfully invite you to hold that this Bill is not in order. When a thing is stated in a particular form, it is not properly appreciated. It has been like that from the beginning of time and I respectfully invite you to consider in an impartial manner, in a judicial manner and in a just manner whether my contention is correct or not. That being the nature of the Bill, I say that it ought not to have been brought before the Legislature at all, but, unfortunately, as it has come, I would ask this Legislature not to have anything to do with this. Now, who wants this measure? This is rather interesting. Who are the gentlemen who have signed the Statement of Objects and Reasons; They are Mr. M. C. Rajah, Mr. C. S. Ranga Iyer, Mr. Rajaram Pandian, Mr. S. C. Mitra, Mr. G. P. Singh, a group which is pro-Gandhi, which is always after reform, whether it is going to be useful to the community or not. I am not using the word in any offensive sense. I have got the highest regard for these gentlemen. These people say that this measure is universally demanded.

I happen to have heard, unfortunately I have not had the pleasure of meeting him, of a gentleman of the name of Mr. R. Srinivasan in Madras who belongs to the depressed classes. He is a graduate, I believe. He is also a Vakil of the Madras High Court, I do not know, I believe he had had something to do with learning law under my friend, Sir C. P. Ramaswami Aiyar. Therefore, I say, he is an enrolled Vakil of the Madras High Court. He knows something about law and he knows what he is talking about, and, being an educated man and occupying the

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position that he does among the depressed classes in the Madras Presidency, I suppose his voice is entitled to be heard equally with my friend, Mr. Rajah. Before I proceed with that, I will tell you one thing. I have got the highest regard for Mr. Rajah and that regard is reciprocated by him, if I may say so without any conceit, I have accepted him as the Secretary of my Party and we have been getting on very nicely, without any friction whatsoever. From that you may have some idea of the regard I have for him.

Sir Muhammad Yakub: Will you invite him to dinner?

Raja Bahadur G. Krishnamachariar: I do not believe in that very very old fashioned way of thinking which believes that unless you sit down with a man to dinner, you are not his friend. I know the saying that if you want to reach an Englishman's heart, you must go through his stomach. We are not Englishmen. We are Indians, and, from time immemorial, we have been accustomed to eating separately, but working together in all other respects.

Mr. B. V. Jadhav: May I remind my Honourable friend of the *sloka* :

*Dadati pratigrinhati guhyamakhati prirchhhati
Bhunkte bhojayate chaiva shadvidham prtilakshanam.*

Raja Bahadur G. Krishnamachariar: Sir, the Vedas said,—well, 1
3 P.M. will not now go to the Vedas, I will go to a poet by the name of Pope who said:

3 P.M. "A little learning is a dangerous thing,
Drunk deep, or taste not the Piciian spring."

Certain gentlemen, as I said, know just enough to misunderstand and pull passages from out of their context and they unfortunately have the habit of saying various things. I do not say a word about my friend, Mr. Jadhav, who is a very learned man, very learned indeed, but that is the general position and it is impossible to go on with what little I have to say,—useless or useful, having sense or no sense, if these things go on. Therefore, I say in regard to what my friend, Mr. Rajah, and others say in this Statement of Objects and Reasons, namely:

"There is at present a great wave of feeling throughout India for the removal of the disabilities of these Depressed Classes which, in the interest of humanity and general welfare, advantage should be taken of by the State. It is, therefore, desirable that a general law should be passed prohibiting the recognition of any rights, or disabilities arising out of the usage regarding untouchability, either in Civil or Criminal Courts."

I say it is not a custom, it is not a usage it is based on solid Shastric directions. This brings me to the question whether there are Shastric grounds. But I will not trouble this House with quotations from the Shastras which evidently operate upon the minds of certain of my friends here like the red rag to the bull.

Mr. C. S. Ranga Iyer: Quotations from Burke or Pope are an improvement.

Raja Bahadur G. Krishnamachariar: It is a matter of taste after all. Then the trouble about us is that this House takes upon itself the duty, the right, the privilege of interpreting what we consider to be our ancient sacred law. When I say that any provision is against the provisions of the sacred law and when I am challenged that there is no such law and when I begin to quote that law, they are all disgusted. They say: "We

know your arguments already". One gentleman actually said in another connection: "Can we not take the speech as read?" That, Sir, is not the sort of responsibility with which Honourable gentlemen, who come to this House, should approach these questions. You may or may not agree with me, but when you want to talk on what I consider to be the principles of my sacred religion, I am at least entitled, as a matter of courtesy, to a respectful hearing. Pull me to pieces if you like, but the mentality that was exhibited especially on the last occasion when my Honourable friend, Pandit Sen, was speaking, when the remark was interjected: "Can we not take the speech as read" is very much to be regretted, and such a remark is one that no one outside, who has got any sense of responsibility, would give utterance to, and I do not see any reason why people who feel bored when they come here with the ostensible idea of discharging a duty—and one of the duties being that this House being seized of this Bill should give a patient hearing to what we have to say when we say that it is against the Shastras, and so on—I do not see any reason why people who feel bored should give expression to that in a most offensive manner; I do not, of course, in the least mind people being bored. Now I want just to refer to this fact that when Mr. Gandhi was in Madras, His Holiness Shankaracharya of Puri—who is as good a man certainly as Mr. Gandhi—sent him a challenge saying: "You say that there is no reference to untouchability in the Shastras. Will you come and have a discussion with me?" His Holiness Shankaracharya got a reply saying: "If you like, we shall have a private discussion over the matter, but I do not like to appear in public". Shankaracharya said: "This is not a private matter, it is no question of a marriage, I want the people to be satisfied that your public statement repeated over and over again that untouchability is not provided for in the Shastras should either be proved by you or I should be able to convince you that my position is correct."

Mr. C. S. Ranga Iyer: But has not the Mahatma the right of choosing his platform and his opponents?

Raja Bahadur G. Krishnamachariar: Of course, but I have never yet been able to find out whether he chose any platform although every time he said that there was no provision in the Shastras, every time there was a challenge that there is a provision in the Shastras. Four years ago, when he went to Madras, he challenged the Pandits of Kumbakonam—a very bad place—and the Pandits took up the challenge, but he said he had no time in Kumbakonam. Well, it costs only Rs. 2-4-0 from Kumbakonam to Madras, and several of these gentlemen went to Madras, for three days they were waiting, but Mr. Gandhi had no time. Demonstrations were taking place in Gandhi Park and Tilak Ghat. However, the Pandits had about five minutes discussion at which Mr. Gandhi said in effect: "I do not care about your Shastras. What I consider to be Hinduism is the correct idea of Hinduism and, therefore, you may walk out." I have newspaper extracts, Sir, to prove that. Now, there is this challenge. The trouble is that Mr. Gandhi is compelled, by a peculiar combination of circumstances, to change and change. At first he said: "We will have Swaraj in a year". Then there was non-co-operation. Then there was the unfortunate programme by which at least 20,000 to 30,000 students in the Madras Presidency were weaned away from their studies and from their homes and who are now strolling in the streets for want of employment! Now, he pretends to have abandoned politics and has taken to this religious propaganda in reference to which his own friend, Mr. Jannadas Dwarkadas, says: "It is all stunt, don't believe it", and, lastly, he has

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 now adopted the practice of collecting money from poor boys. He has even got from a misguided girl in Malabar her diamond jewellery and necklace. (A Voice: "In Malabar?") Yes, in Malabar, at a meeting there, a girl of the name of Kaumudy, evidently born of a high-class Nayar family, took out her jewellery studded with precious stones and presented that to him. Now, Mr. Gandhi thinks that he is going to remove untouchability by collecting funds in this manner! By all means, if there are fools enough to pay money, let them do so, and I have got the authority of Professor Marshall for saying that mankind is generally foolish in all its affairs, and it is no concern of mine. I am only afraid of what the British Government may be thinking. On the one hand we go and cry before them that there is ruin and distress, and so on. On the other hand, the British Government might say, "Look, what is going on there. Purses of Rs. 10,000, of Rs. 20,000 and more are pouring in for Mr. Gandhi!" What becomes of our position when we go before the Madras Government asking for remission of land revenue? They might say: "Where did it all come out from for Mr. Gandhi?" To resume, I say, for Mr. Gandhi to come forward and challenge that there is no authority in the Hindu Shastras in respect of untouchability is to say a thing with his tongue in his cheek, because he never studied the Shastras, he never cared to study the Shastras, he did not and does not care for Hinduism, his Hinduism is not the Hinduism as it is observed today. It is, in fact, stated by Mr. Gandhi in a book by Gray and Parekh that "The Hinduism that I follow is not the Hinduism that common people follow; it is something which brings into relation my God and my soul." I do not know of any such Hinduism in the world. I know the Sanatan Dharma which follows the Vedas and the Shastras as traditionally interpreted and I say this with all the sense of responsibility. I have the highest regard for Mr. Gandhi. He has got the courage of his convictions to such an extent that today he will say one thing and tomorrow he will say quite a different thing and he will justify both. A man who talks like that is no doubt a singularly courageous man, because he is not an ordinary man like myself who has the misfortune of appearing in the cartoons of the *Hindustan Times*. He, as I said, is a big man whom the whole world is watching. His every action and every movement is being watched by a horde of reporters and the news that he sat in the chair at 12 hours and 14 minutes flashes across from one end of the country to the other. Such a man does want an extraordinary mental courage to change his opinion as one changes his clothes and then be able to justify everything or forget the whole thing and never bother his head about the previous opinions when they are challenged by the people. Of course, when I talk about Mr. Gandhi I talk about him with all the respect that I feel for him. But I have got to speak about him, because, were it not for him, all these things would not have come up. My friend, Mr. M. C. Rajah, had the honour of being a member of the Indian Committee which was attached to the Statutory Commission and he has recorded a note of dissent there. He has given a catalogue of the disabilities that his community is labouring under. I have no objection to that; he has got every right to do that. But I happen to remember—and I am saying this subject to correction—that he never said anything about the abolition of untouchability or the temple entry. That was a matter of later growth when Mr. Gandhi thought . . .

Rao Bahadur M. C. Rajah: I have mentioned that fact in the report. The Honourable Member has not read it carefully.

Raja Bahadur G. Krishnamachariar: You need not have added the rider. Being an old man, I am likely to forget. If I was quite as young as Mr. Rajah is, I suppose I should have remembered it. That is why I said that I was speaking subject to correction. I always speak subject to correction. So, if he did refer about the temple entry, all honour to him. Sir, there is a gentleman of the name of Mr. Srinivasan and he gave rather an uncomfortable half an hour to Mr. Gandhi in publishing his manifesto in the Madras dailies. Mr. Gandhi wanted to raise the status, at least according to his light, by calling these gentlemen Harijans. That is a very insulting term to use, if you will pardon me to say so. A Harijan is a man who is devoted to God. Are we not devoted to God? Are not all the Members of the Assembly devoted to God? Why should they not be called Harijans? Sir, they are calling them Harijans out of mere spite and malice. They think that by doing so the red will become white or the white will become black. Sir, Mr. Gandhi is not my friend. (*An Honourable Member:* "Is he your enemy?") This is a strange logic and is a mentality of some Honourable Members. If a man is not my friend, he is my enemy! The contrary does not follow. He is not my friend, because I have not been acquainted with him. That does not show that he is my enemy. There are so many people in India who are not my friends, but surely they are not my enemies on that account. Mr. Srinivasan said: "Leave our politics to ourselves" and that settles the whole affair. He says:

"Temple entry not urgent; it is the economic position which troubles us; co-operate with us; depressed classes community was not consulted when you chose to call them Harijans; large sections of the people resent the name Harijan."

Rao Bahadur M. C. Rajah: Will you please read Mr. Gandhi's reply?

Raja Bahadur G. Krishnamachariar: I do not care what Mr. Gandhi says, but I care a great deal what the depressed classes themselves say. Mr. Gandhi gives a reply today which, I am perfectly sure, will be changed the day after tomorrow. So, I am not concerned with that sort of a gentleman who is always changing. (*Interruptions.*) I do not wish to be interrupted, because I have no time, otherwise I should have been only too glad to discuss this matter. Besides, this is not a debating club. You must remember that it is an honourable Legislative Assembly where we are concerned with the making of laws. Mr. Srinivasan says that a large number of the depressed classes resent the word "Harijan", but the word "Harijan" has come to stay. It sticks. If my friend, Mr. Rajah, is quite happy over that word, I shall make a present of it to him. From tomorrow I shall call him Harijan Rajah and not Mr. Rajah. I hope it will satisfy him. But the fact of the matter is that an equally respectable gentleman like Mr. Srinivasan told Mr. Gandhi that the name of "Harijan" is not wanted by his community and he also told him that the temple entry was not urgent. He says in effect: "Give us education and improve our economic condition." I have said once before in this House and I repeat it that years and years ago—this was in the year 1880 or 1881 when I was in the college, when perhaps you were not born, Sir,—there was a gentleman named Peter Paul Pillai. He belonged to the depressed classes. Afterwards he became a Christian and thereby he was enabled to go to England and got himself called to the Bar. When he came back to India, he did not practise, but dedicated his whole life to the service of his community. If anybody has the curiosity to refer to the series of articles that he wrote to the *Hindu* in those days, he will find him saying that the question of the depressed classes was not a social question, but an economic one. When different communities are put equally in the economic scale, the social

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question adjusts itself completely. If my friends think that because there is a law passed by this Legislative Assembly that there shall not be any more untouchability and, therefore, the untouchability will cease to exist, they are greatly mistaken and misguided. By all means raise their economic status. I am not merely preaching this, but I challenge anybody either on this side of the House or on any side of the House, who have shed crocodile tears of sympathy for these depressed classes, to stand up and say that they have done as much for the depressed classes as I have done or my fellow landlords have done for whom Mr Rajah used the word "cunning" in his speech and Mr. Jadhav used the words "hated Brahmin". Sir, the Brahmin landlords of Southern India have done a lot for these depressed classes. I am not acquainted with other places. It will probably be called egotism if I recited all that has been done for the depressed classes. You may take it generally that the 150 people who are working under me are housed, some of them much better than the places that are allotted to us as Members of the Legislative Assembly in some of those places which look like barracks, and my working classes live much more comfortably, and I challenge any one to go to them and tell them that you are going to abolish untouchability and that they can rub shoulders with the Brahmins and that they could do whatever they like with the Brahmins. I want any of these gentlemen to go to the villages and after preaching these doctrines to come back full and entire. I want the House to believe me, and, if they do not believe me, to test it for themselves that the heart of the depressed classes is perfectly sound in the district. Certain gentlemen who think they have a grievance because of the sort of education that is imparted to them, it is these people that talk of untouchability. Even they know full well that with the improvement in the economic condition of the depressed classes their social disabilities will disappear. I am perfectly sure, in spite of the enthusiasm of my friend, Mr. Rajah, for this Bill, he too knows in his heart of hearts that the most important thing that should be done for the uplift of his community is to improve their economic condition. With the permission of the House I should like to go back to the speech of my friend, Mr. Rajah, at the time when the Temple Entry Bill was being discussed. I am not going to talk about the Temple Entry Bill now, but he said at that time a lot of things about the position of the depressed classes according to the investigation that he made into their condition. There were certain remarkable statements to which I should like to refer on the floor of the House, principally because he referred to instance after instance and said that it was strange that the Raja Bahadur made his statements when the facts were quite different. I think in justice to myself I ought to refer to some of those statements and show that my friend, Mr. Rajah, was all right in his enthusiasm, but if he should stick to truth, it would be much better. I was using the language of the law which we used to repeat whenever an inconvenient position turns out in the course of argument in a case and I said that as far as human memory goes none of these depressed classes were allowed to enter any temple. It is rather unfortunate that in all the researches made by my Honourable friend, Mr. Rajah, he referred to three particular instances for they all go against him. They are important, that is perfectly true. I do not deny the truth of it, but my only complaint is that he did not make a full statement regarding those cases and it is that which affects his position. Now, there was a saint by name Tirupanalwar among the Vaishnavas of the South Indian community. I am sorry I have to trouble the House, but I shall be as brief as possible with the story. The story goes that one day

when a wandering minstrel belonging to the depressed classes—my Honourable friends must have seen them with a little bit of a musical instrument something like a *Tambura*—was walking along the field on the other side of the Cauvery in front of Srirangam Temple, he heard the cries of a baby. The baby was not born to him and no one knows to this day to whom the baby was born. A baby was found and he took hold of it and made a present of it to his wife who has been hankering after a child for a long time and so she was *kush*. This is how it happened. No one knows how the baby imbibed all the philosophical learning that he undoubtedly possessed. But I can just make a guess. According to what I have been taught in the *Bhagavat Gita* that where you begin a good thing and your life ends, in the next life you start from the place where you left and you go on in this way in order to attain salvation. In the *Bhagavat Gita* it is said:

“*Tatra tam buddhi samyogam labhaté paurodehikam.
Yatate cha tatām bhuyah samsiddhau kurunandana.*”

That is to say, a man takes the thread at the point where he left it and then he continues his efforts and eventually he obtains salvation. Except on this principle it is impossible for any one to explain how he imbibed all those abstruse Vedantic doctrines. What did he do? Anybody who has visited Srirangam will appreciate this. It is surrounded on both sides by the river Cauvery of which one branch is called Coleroon, and this boy was on the southern side of Cauvery and facing the huge tower of Srirangam Temple and singing the praises of the Lord. He was doing so until he was about 80 years of age. Then one day, as we believe it, God gave orders, and my Honourable friend, Mr. Rajah, also accepts it, God gave orders to the temple priests that they must go to the other side of the Cauvery and bring that devotee to the temple. Of course God's orders in those days were believed in great faith though we do not do so nowadays. When God's orders were communicated to the devotee, he said: “All right, gentlemen, I have no doubt I have committed great sin in my previous birth and so I am born in the family in which I am. Now you are going to ask me to commit a more heinous sin by asking me to go to the temple. Please tell your God that I am not going to come to the temple. He can give me salvation from the place where I am and I shall be satisfied.” After a great deal of trouble in which there was much going and coming, because the devotee would not agree, God gave orders to an ascetic named Loka Saranga Muni that he should go and bring that devotee on his shoulders. When the ascetic called on the devotee and communicated to him God's orders, he said: “All right, you Brahmins were formerly going to lead me walking to the temple, but now you are asking me to commit a much more heinous sin. No, I am not going to follow you”. Then the ascetic followed Mr. Gandhi's principle and said: “Either you get on my shoulders, or I will fast unto death here”. Then the story goes that the saint Loka Saranga Muni took the devotee on his shoulders to the temple as far as he could be brought and God exhibited his presence and accepted him as his devotee and then there is a difference in the story. According to one version he became what Muhammadans call *Fanah*, he immediately disappeared into the image of God, and the other version is that he lived for some time and recited those ten verses which begin as my friend, Mr. Rajah, quoted with “*amalan adhipiran*”. These ten verses comprise within themselves the Vedantic doctrines according to Visishtadwaic school. I agree that his image is worshipped to this day in all the temples and no temple is sacred except with the presence among others of the image of Tirupan Alwar. Now, Sir, two things are established, in the first place

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you do not know his parentage, in the second place you know exactly that he was brought up by a depressed class man and God gave orders, finding his devotion and appreciating it, that he should be brought on the shoulders of the most holy ascetic available at the time in the place. I say that if God gives me orders that my friend, Mr. Rajah, should be carried by me on my shoulders to the temple of Sri Ranganadha at Srirangam, I am perfectly prepared to take him to the *sanctum sanctorum*. I say this on the floor of the House. I will do that most cheerfully. If a man is extraordinarily devoted to God and if God shows His mercy to him—there is no touchability or untouchability before God Almighty, everybody is equal in his eyes—if God orders me I shall certainly carry him on my shoulders to the temple. In the *Bhagavat Gita* , Lord Sri Krishna says: "No one is my friend, no one is my enemy, all are equal in my eyes".

An Honourable Member: How will God tell you now?

Raja Bahadur G. Krishnamachariar: According to my friend, Mr. Rajah, in the case of Tirupur Alwar, God Almighty said so and we all believed it. Similarly it may be done now. Then in that way he will say. My Honourable friend, Mr. Rajah, quoted the well known instance of a man named Nandan, who belonged to the depressed classes, the pariah community. There was a call within him. He was such a great devotee of God that although he belonged to the depressed classes, and was cultivating his master's fields very loyally his heart was set upon visiting the famous shrine of Chidambaram. Although repeatedly requested, his master would not give him leave to go to Chidambaram and eventually the master yielded to his request upon the condition that the pariah Nandan would return back to the master after visiting Chidambaram in about a week's time. Nandan simply said: "You allow me to go now and who knows whether any one will return after once seeing the Lord Natesa at Chidambaram". And then what did he do? He sat at the end of the town, would not bathe in the temple tank, but would bathe elsewhere. Before any Brahmin ever got up, he was there with his *bibhuti* and all that sort of thing, singing praises of God. That went on for some time and then the same story here, as with the Alwar, and after a good deal of protest the man was taken in. I want Rao Bahadur Rajah to note this. God Almighty, Sri Natesa, said: "Light a fire in front of my *sanctum sanctorum*". The fire was lit and it was burning like anything and the order was: "Ask Nandan to walk on the fire".

Rao Bahadur M. C. Rajah: That was the Brahmin interpretation.

Raja Bahadur G. Krishnamachariar: The Brahmin, of course is cunning and is able to weave any story he likes, but unfortunately the Brahmin does not benefit anything by it. See the inscription in the temple. But it is God's greatness that he is proving. And how is this greatness proved? He said: "Ask Nandan to walk on the fire". And Nandan said: "What more do I want? There is God's order in my presence". And so he walked. He walked on to the other side and was seen dressed as a holy Brahmin with *nudraksha* on his neck and with the *bibhuti* and all those caste marks on his head and taking a *mala* and counting the beads. Now, Sir, Nandan immediately disappeared into the *sanctum sanctorum* and nobody knew where he was gone. I again challenge Rao Bahadur Rajah that if God Almighty says that, I am prepared to carry him on my back to the fire.

Mr. C. S. Ranga Iyer: Does the Honourable Member seriously stipulate that every member of the depressed classes should walk on fire or go through that test before he is elevated to the status which Mr. Rajah mentioned?

Raja Bahadur G. Krishnamachariar: My Honourable friend has entirely misunderstood me. Exceptions prove the general rule and these two or three instances that he cited are exceptions to the general rule of how untouchable persons were treated; and if you regard that as a precedent that the same treatment should be meted out to you, I say follow their example and do as they did and you will be entitled to greater respect. But if you do not want to put it at that height, then do not refer to it. I adore that man, because it was God's order. You may not believe it, but I believe it and if you also get God's order, I will prostrate myself before you without caring what caste you belong to.

Now, Sir, my Honourable friend, Mr. Ranga Iyer, asked me about Sri Ramanujachari. As it is always said, it is not a Brahmin's trick. It is what happens today if you go to Mysore and inquire.

Mr. Amar Nath Dutt: Is not Mr. Ranga Iyer also a Brahmin?

Raja Bahadur G. Krishnamachariar: He has got two or three capacities, but at present I am speaking of him as one who supports Mr. Gandhi. Sir, in the temple of Melkote there is a custom today that the depressed classes are allowed not to the *sanctum sanctorum*, but up to a certain point inside the temple and far inside than ever any ordinary Sudra is allowed, for three days in the year. Sri Ramanuja was being persecuted by the Jains and he went to Mysore, conquered the Jains and established Vaishnavism and he was allowed to build a temple and dig a tank on the top of the hill where the temple is situated. The depressed classes of that place gave him a great deal of help in digging that tank and in remembrance of that Sri Ramanuja said that notwithstanding the sanctity of the temple they should be allowed to get in for three days in the year.

Rao Bahadur M. C. Rajah: Without going through the fire?

Raja Bahadur G. Krishnamachariar: Yes, the fire comes later, because, when they go through the fire, they become one with God. Well, for three days in the year they are allowed to go and worship God from a point to which they were not allowed to go during the ordinary days. But what happens? Immediately the third day expires a purification ceremony on a large scale is performed. All those ceremonies that are performed in order to bring Godhead again to its proper place are being celebrated today; and, if you look at the Mysore Government Budget, you will find the item of purification ceremony in connection with this Melkote temple. That is the story of Ramanuja. The temple would be sacrificed, but, out of gratitude for what has been done for the benefit of the country, he risked that sanctity being disturbed for the nonce, because you can always purify a sacrilege like that, and that is what he has laid down. That is not what our friends want. They say that they want whatever rights of entry we have and they are entitled to do the sort of thing that we do. That is the position I object to; and consequently these instances that he has given have by a stroke of misfortune acted against him and are not at all in his favour.

Then, Sir, he made an extraordinary statement about which I wrote to him directly I saw it and asked for a reply. He has not yet done so but I

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daresay he is investigating it. He said that the temples in Southern India belonged to the depressed classes and the cunning Brahmmins,—that is the word he used,—have somehow or other deprived the depressed classes of all the temples and taken possession of them. Now, Sir, Brahmmins never ruled the country. I was told of the numerous misdeeds that the Brahmin has committed from time immemorial, by my Honourable friend, Mr. Jadhav. Now, I will tell you a little thing as to what the Brahmin did. It is admitted that the Vedas are the most sacred writings amongst the Hindus and they are referred to as authorities even by Mr. Gandhi. Even those reformers who want to support their reforms wish to support their ideas by the Vedas so that it is universally respected. Now, in the days when the Vedas came into existence and we had the guardianship of the Vedas, it was perfectly open to us to say that we wrote the Vedas. But not one Brahmin dared to get up and say that he wrote the Vedas; and it was a grand opportunity that he lost of glorifying himself as the author of the one book which is regarded as a great authority. That, Sir, is the wiliness of the Brahmmins. These things have been showered upon our heads not now, but from the time of Hanyakashipu and from the time of Kansa. Those gentlemen are gone and we are still living, and these other gentlemen also will go, but we will still go on living. We mean to live and we will live; and consequently it is rather futile to make us believe at this hour of the day that all these temples belonged to the depressed classes.

I do not want to tire the House, but if you want, I can give you another story (*Cries of "Go on."*) That story relates to the building of the Srirangam Temple. There were no depressed classes there. A small portion of it was brought by Vibhishana; and, after that, Arjun went on a pious pilgrimage and built what is called the Arjun Mandap; and, then, king after king added to it, the last being the Naik Kings of Madurai: they put it into shape and they were then the lieutenants of the Emperors of Vijayanagarum. That is what is recorded in the temple records, but my Honourable friend, Mr. Rajah, says otherwise. I will tell him this: there are certain matters connected with this question of untouchability which are passing away which will never hereafter exist and which today do not exist. If he and those friends who have asked him to support this measure will only turn their minds towards other things, they would be doing a lot of good to their community. I can give a practical instance. Mr. Gandhi has been collecting this money: there is a village near Conjeevaram wherefrom a man wrote to the newspapers. We have built temples for the depressed classes: we only want Rs. 200 to finally consecrate it and finish the business. But we have not got the money; will you kindly send us Rs. 200 out of the collections you are making for the Harijans? There was no reply. The money is not coming. It is not a question of any real consciousness or eagerness of worshipping in a temple, the whole attempt if you will see it, is to bring the Brahmin down, and what is the result? The Brahmin will never go down; as I said he will live for hundreds and thousands of years; and these gentlemen who boast of the civilisation that India has been enjoying, notwithstanding the fact that the Sumerian, the Egyptian, the Assyrian and all other civilisations of the old world have gone without any recognition whatsoever, all that redounds to the credit of the Brahmin who founded this system. You may not want it and you may despise him; but his work is there and it is upon that work that you are glorifying yourselves—not upon what

you did. Therefore, I would ask my friends by all means to discuss the disabilities to which the depressed classes are subject; I have no objection; as I said I shall be the first man to do it—I am not merely talking about it, but I have done it and any one who goes to my village can get ocular proof of it; but to call the Brahmin all sorts of names is neither here nor there, and the already disrupted Hindu community will be more disrupted by all this internecine warfare, when we have got a common ideal to attain.

There is only one point and a very important point to which I would refer—that those gentlemen who quote certain authorities as saying that there is no difference between a Brahmin and a Sudra according to the holy books and that we have forgotten it and that we are imposing our own wicked doctrine on these people are mistaken: I shall give some more authorities to them: it is stated in the Bhagavata and other Puranas:

*"Vishnur nityam vidyathathamrandya thasmat gnanannityarupam varenyam;
Prapya gnanam Brahmanat Kshatriyat va Vamhyachchudradhapi nichadhabhik-
shanam."*

That is the Vedantic side: there are two different standpoints: one is what they call the *shairia*—connected with the body—that is to say, born in this birth; and the other is the *manasik* which concerns the mind. The soul is not born; it does not die; and it is these two different things which are treated in the Shastras in two different places. As I said, a little learning unfortunately makes these gentlemen confound one with the other. What do the words I have quoted mean? If a Sudra is a devotee of God, he is considered a Brahmin and the Brahmin or Kshatriya or Vaisya is a Sudra if he is not a devotee of God. But that has nothing to do with the social arrangement. You cannot recite that verse and say "Now you see I am a devotee of God and, therefore, you and I are one come along; we will intermarry". That is not it. This is an injunction connected with the Vedantic side of Hinduism which has not got anything to do with the social structure. I will go further:

"Chandalam Api Vritastham tam Devah Brahmanam Viduh."

"Even if a Chandala acts according to the rules of his own class or community, the angels regard him as a Brahmin."

That does not mean that directly he follows even the path of devotion, as Tiruppanalwar did, he is entitled to go and say to the Brahmin "I want to marry your daughter. Will you give her to me in marriage?" That is not it. If you act according to the injunctions relating to your caste you are doing a good thing. I go still further. This is what is stated in our sacred books:

*"Bhaktirashtra vidhahesha yasmin mlechhi pi arthathe
Thas-madheyam thathograhya samha pujo yathahyam."*

The great Rishi who wrote that says, there are eight kinds of *bhakti*, or devotion which might exist even among the Mleechhas, and you know what penalty our Shastras prescribe for coming into contact with Mleechhas. These very Shastras lay down that there are eight different kinds of devotion to God Almighty: what does it say? Knowledge should

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be given to him: you can take knowledge from him and he is to be respected as much as I am myself respected, says the Guru. Another and more important thing is:

*‘Prapnyem gnanam Brahmanat Kshatriyat va
Vaisyachechchidraathim nichadhabhikshanam.’*

“You can obtain knowledge: if you cannot get it from a Brahmin, go to a Kshatriya, if you cannot get it from a Kshatriya, go to a Vaisya, if you cannot get it from a Vaisya, go to a Sudra; if you cannot get it from a Sudra, go even to a Chandala.”

These are the doctrines that are held on the Vedantic side, and they have got absolutely nothing to do with the social side and no one can say on the strength of it: “Come and sit down with me and we shall interduce and intermarry”. These things are connected with the Vedantic side of things. It is not possible according to the belief that we have that a man who is born in one caste can ever in this life belong to another caste; and who is my authority for it? Mr. Gandhi. In the year 1925, he says:

“It is possible for a Sudra to become a Vaisya, but in order to perform the duty of a Vaisya, he does not need the label of a Vaisya.”

Perfectly right: this was in his pre-prophet days—

“He who performs the duties of a Brahmin will easily become one in the next incarnation; but the transfer of one *guna* into another in the present incarnation must result in a great deal of fraud.”

These are not my words: these are Mr. Gandhi's words—

“The only consequence will be the obliteration of *varna*. I see no reason to justify its destruction. It may be a hindrance to material ambition. I must be excused from applying material considerations to an institution based upon religious considerations.”

So that I have got the authority of Mr. Gandhi for the proposition that if a man is born in a certain *varna* he cannot in this life transfer himself to another *varna*, and yet these reformers think . . .

Mr. B. V. Jadhav: Was this said after the Lakshmi marriage?

Raja Bahadur G. Krishnamachariar: There you are: that is my complaint. I am glad, my friend, Mr. Jadhav, put this question: Mr. Gandhi is never sure of his position, for the simple reason that he never studied that position: to say that Varnashrama is . . .

Mr. B. V. Jadhav: Then why are you wasting time by quoting him and telling us what he said long ago?

Raja Bahadur G. Krishnamachariar: Thanks for the courtesy. I thought he was a *mahatma* to all of you people: but the reason for my quoting him is that I have got to deal with him: I have got very great regard for him: but those gentlemen who have been goaded to do this thing in this Assembly, when it is drawing its last breath (Laughter), I say they are doing it at the behest of a gentleman who has absolutely no regard for our Shastras and, therefore, no one should rely upon him. Rely upon

your own merits and say what you want and what you do not want. What is it that they want? If you take clause 2 in this Bill, you will see it says this:

"Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against, any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus,"

and so on. That is to say, they want free access to public roads, to public institutions and to public wells. I do not know about other provinces, but in my province there is legal provision for this, and that is my contention. There has been legal provision, and still these gentlemen are under this disability—why? Because in one of those intervals when Mr. Gandhi saw through the right thing he said that this thing does not help him on account of any legislative enactment and he suggested a change of heart. Sir, in my own lifetime I have seen things which no one expected thirty years ago would happen today. In another 15 years everything will come, and, therefore, why force these things through the throat of the community and thus lose a very great chance of all our uniting together and pulling together to obtain our goal? That is the blame that has been laid at the doors of Mr. Gandhi by no less a person than Sir Nripendra Nath Sircar. I am a very small man, but Sir Nripendra Nath Sircar will in a few months be a very great man, greater than what he is already. He says that these things tend to disturb the Hindu society, and, so, for God's sake, for the sake of the country, for the sake of all things that we hold dear, do not do that sort of thing, and to this I add my humble voice not to do anything which is likely to bring about disruption in the Hindu society at the present time.

Sir, I have done. I have got a great deal to say, but I do not think I shall be justified in keeping the House very long. But there is only one thing to which I should like to refer. I am not able to read this . . .

An Honourable Member: Is it small type? Do you want spectacles?

Raja Bahadur G. Krishnamachariar: I do not want the spectacles, I give a little trouble in my eyes. What I want to place before this House is that, in 1932, in answer to the challenge of Mr. Gandhi that there is no provision in the Shastras for untouchability a gentleman of the name of Sriput Dhannulal Sharma, General Secretary of the Sanatan Dharma Sabha in Calcutta, addressed a letter to Mr. Gandhi after referring to his previous letter where he quoted the Shastras and he relied upon the Shastris. One of the Shastris was a certain Mahamahopadhyaya Pramada Nath Tarkabhusan—it is a very good name—he is a Professor of Sanskrit in the Sanskrit College in Calcutta, I believe. Well, Sir, to his misfortune at a previous stage of his life he edited a book called "Hermandi", which is held in great veneration in Bengal as it is an epitome of Dharma Shastras. In that book, edited by him, he has written a commentary, and when it came to a question of untouchability,—it is rather interesting reading—he gives a 10 ft. or 20 ft. or 30 ft. distance up to which the depressed classes could go, and the sort of purification that one should get through in order to get rid of the pollution that attaches to the man who is doing a religious work at the time when a member of the depressed classes comes near him. That gentleman, I mean this Sanskrit Professor,

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by some transformation—I cannot understand how—says or at least Mr Gandhi says—he supports him in his present statement that there is no provision in the Shastras for untouchability.

There is only one question that I may address to my friend, Mr. Rajah, if I may. I hope he is not angry with me

Rao Bahadur M. C. Rajah: No, no, I am not angry with you at all.

Raja Bahadur G. Krishnamachariar: I believe, on a former occasion, he said, he had no objection to the Bill being circulated for opinion. I hope he still holds the same view

Rao Bahadur M. C. Rajah: Yes:

Raja Bahadur G. Krishnamachariar: In these circumstances, Sir, I do not think I shall be justified in going much further into the principles of the Bill which I have not touched very fully, and I respectfully submit that my amendment to have the Bill circulated and opinions obtained thereon will be passed by this House.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August, 1934.”

Mr. N. M. Joshi (Nominated Non-Official): Sir, the question may now be put.

Mr. C. S. Ranga Iyer: Sir, the Leader of the Centre Party has spoken as I expected he would. He represents not the grasshoppers, I admit; but he represents not the silent cattle either. I think, Sir, for purposes of literary accuracy, instead of relying on his memory, I should place the actual quotation from Edmund Burke on record:

“Because half a dozen grasshoppers under a fern make the field ring with their importunate cries, while thousands of great cattle, reposed beneath the shadow of the British oak, chew their cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field.”

Sir, I can only say that from the continued noise that the Honourable gentleman had made in this House, the House should not consider that he is the only inhabitant of this House. (Laughter.) Unfortunately, I have only three minutes before me, and it is very difficult in those three minutes to meet the arguments that the Honourable Member made at such length. But he repeatedly used a phrase “change of heart” made classical by Mahatma Gandhi on another occasion. Though he attacked the Mahatma with an enthusiasm probably worthy of another cause, he at any rate copied his favourite phrase “change of heart”, and if by legislation or propaganda we can bring about a change of heart so necessary in not only Brahminic die-hards, but orthodox caste Hindus who are opposed to the elevation of the depressed classes, if by legislation we can bring about that salutary state of things, at any rate our legislative effort would not have gone in vain. I do not put the Leader of the Centre Party under the category of a die-hard. He is associated with die-hards, and also with untouchables—only he did not disclose the many phases of that association. . .

Mr. Amar Nath Dutt: His secretary is an untouchable.

Mr. C. S. Ranga Iyer: I was going presently to refer to the fact that is visible to us. He is so closely associated with the Rajah of the Harijans as he would probably like to describe Mr. M. C. Rajah. Sir, he very vehemently objected to Mahatma Gandhi using the word "Harijan" for the depressed classes

Raja Bahadur G. Krishnamachariar: It was Mr. Srinivasan.

Mr. C. S. Ranga Iyer: It may be Mr. Srinivasan who objected to this word who was not so familiar to this House until today. Probably it is my fault that I did not read Mr. Srinivasan's effusions, but as he shared Mr. Srinivasan's lack of enthusiasm for the phrase "Harijan", I can only say that he does not live up to his Vedic knowledge, for surely even the depressed classes are the children of the Vedas. Why then deny them their rights, as we have denied, through centuries of tyranny, of which caste Hindus should be ashamed? Why deny them their right to walk erect in the Hindu household, in the Hindu society? It is all very well for my friend, the Raja Bahadur, to quote Sir Nripendra Nath Sircar, but from a Brahminic point of view, Sir Nripendra Nath Sircar had himself sat at the feet of untouchables, he associated with untouchables here and abroad, for, Sir, as Bernard Shaw humorously said while in Bombay, even he, as an European, was an untouchable. (Laughter.) . . .

(It being Four of the Clock.)

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Mr B Das.

Mr. C. S. Ranga Iyer: On a point of order, Sir. I hope I can resume my speech later.

Mr. President (The Honourable Sir Shanmukham Chetty): Oh, yes.

MOTION FOR ADJOURNMENT.

SIGNING OF THE INDO-JAPANESE COMMERCIAL TREATY IN LONDON,

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I move that the House do now adjourn.

I wish to raise an important issue by this adjournment motion, namely, "the proposal of the Government of India that the Indo-Japanese commercial treaty shall be signed in London, which will reduce the constitutional status of India to that of a subordinate branch of the British Administration and dishonour the Fiscal Autonomy Convention".

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

In September last, when it was announced that the Japanese Delegation would visit India, it was heralded that India had been conceded a new right and that our delegates, headed by Sir Joseph Bhore and his colleagues Sir Frank Noyce and Sir Fazl-i-Husain, were negotiating as equals with the Japanese Delegation and that India had achieved a new status. But when the Indo-Japanese agreement was published in the papers and it was

[Mr. B. Das.]

mentioned that the treaty would be signed in London, those of us, who had built high hopes that since the fiscal autonomy convention India has a definite right to negotiate commercial treaties as the dominions, have been disillusioned. I will just quote a few lines from that fiscal autonomy convention which was first enunciated in the report of the Joint Select Committee on the Government of India Bill of 1919:

"Whatever be the right fiscal policy for India for the needs of her consumers as well as her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its legislature are in agreement, and they think that his intervention when it does take place should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

I consider that the negotiations with Japan were a purely domestic matter of commercial and fiscal policy of India with the Government of Japan and the Japanese people. I do not understand how international obligations of the British Empire are at stake so that the British Foreign Office should reserve to itself the right to sign the treaty. Not only India has been perturbed, but I find that Japan also has been perturbed over it. In a Japanese paper, the *Osaka Mainichi* we find:

"Foreign Office officials are perturbed as to the capacity in which Minister Sawada should be sent. To limit his authority only in exchanging initials on the provisional agreement and that he be replaced by someone else in the formal signing has scarcely a precedent in the annals of Japanese diplomacy."

If we are perturbed at an inspired message through the Associated Press that our delegates will only have the honour of initialling this Indo-Japanese convention, we find that the Japanese Foreign Office also was perturbed, because the Japanese Foreign Office took the Japanese people into their confidence, and they knew these things in August and September, whereas we had no knowledge until my Honourable friends condescended to enlighten us on the subject. Also that paper published a letter which the British Foreign Office wrote to the Japanese Government:

"The British Government must say that it is still in a position to assume full responsibilities in India's foreign relations, though it has ceased to exercise control upon India's financial policy by the terms of the Financial Autonomy agreement."

I believe the translation is wrong; it should be fiscal policy. The letter further says:

"Nevertheless it cannot escape the responsibility of examining such an agreement as a whole from the view point of its effect upon India's international relations."

I think while the negotiations were going on, Sir Joseph Blore was in constant touch by wire with the Secretary of State and so the British Government knew what was happening in India, and probably at every step the three Indian delegates received their instructions from the British Government. So, what is the necessity of sending this agreement to London where some representative of the British Government will sign this treaty? I wish to point out that His Excellency the Governor General exercises certain powers of the Crown in this country; so also his Executive Councillors. I do not say that any non-official should sign the treaty. I maintain that these Executive Councillors of the Government of India, who participated and negotiated and very successfully concluded these negotiations—over which I have elsewhere expressed my congratulations

and I take this occasion to congratulate the Government of India and am glad to find that they have not been side-tracked by the wails of the Bombay millowners, but they have concluded a very fair treaty in certain matters with the Japanese delegation—should receive plenipotentiary powers from the Crown and sign the treaty here, and why they should not do so is beyond my comprehension. I think on previous occasions Indian representatives have been allowed to sign such treaties and such international conventions

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Can you give me an instance?

Mr. B. Das: The Treaty of Versailles.

The Honourable Sir Joseph Bhore: On behalf of India as a separate international entity?

Mr. B. Das: As a unit member of the British Commonwealth of Nations.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): The Secretary of State and the Maharaja of Bikaner signed that treaty on behalf of India as a separate entity.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): As a self-governing dominion.

Mr. B. Das: I want to confine this debate entirely to this commercial treaty. I can point out dozens of instances where India signed the treaty, for instance, the Locarno Pact, the Kellogg Pact, where the representatives of India signed on behalf of India. My Honourable friend, the Member for Industries and Labour, sends representatives to the International Postal Conference and this year he has sent three representatives to Egypt. Does not that confer plenipotentiary powers to Indian representatives to sign these treaties? I wish to remind the Honourable the Commerce Member of the Resolutions of the 1923 Imperial Conference to which India was a partner and where she was given equal status with the dominions and where it was said:

"Bilateral treaty imposing obligations on one part of the Empire should be signed by a representative of the Government of that part."

This treaty only concerns India and Japan. Why should not a representative of the Government of India sign this treaty? I ask the Honourable the Commerce Member one question. Have they approached the British Government to confer on them plenipotentiary powers which the Governor General enjoys to a certain extent, and have they asked the British Government to give them that power, so that the treaty should be signed here and not "initialled"? I was referring to the embarrassment which the Japanese Foreign Office and the Japanese people underwent when they found that the British Foreign Office were reserving to themselves certain rights. I will just refer to one or two further sentences from that paper as to what was agitating the Japanese mind. With reference to the Indo-Japanese agreement at Simla, it writes:

"An opinion prevails in well informed circles that the Foreign Office is in a very embarrassing position."

—and it further says:

"The Japanese Foreign Office is also obliged not to delegate full power to Minister Sawada owing to the attitude of the British Foreign Office."

[Mr. B. Das.]

I would like to know whether the Japanese delegate had full power, and the spokesman of the Government ought to enlighten us as to whether they were also given full power under the Fiscal Autonomy Convention and whether they had the full right to negotiate any commercial treaty with Japan. Did they take instructions from the British Government at every stage, and if they did, did they ask the British Government to give them power to conclude this treaty here and not to send it back to England so that the British Foreign Office may change it as they like?

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got only one minute more.

Mr. B. Das: Sir, since the Imperial War Conference and the subsequent Imperial Economic Conferences, India has got complete autonomy in fiscal matters. In the 1923 Imperial Economic Conference, this was completely conceded, and since then things went wrong in the Imperial Economic Conference of 1926,—the famous Baldwin Conference,—where some of the rights conceded in 1923 were limited. If these limitations were placed, it is the fault of the Government of India for not having stood up for their rights and for our rights. The impression in the people's mind is that India has got the full right. This is clear from the appointments of Trade Commissioners in different parts of Europe. I trust that the Government spokesman will satisfy this House that India has the right to conclude this treaty and that they have asked the British Government to delegate to the Government of India powers to conclude this treaty.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): This motion is an acid test of the Government of India's attitude towards the rights of Indians. It may not be a motion to criticise the Government of India or it may not be a motion to censure the Government of India, but it will be a motion of censure if the Government of India do not agree with the view of this House that a Treaty like that which is being negotiated with the Japanese Government, which is not a matter of international importance, ought to be signed in India by the representatives of India. My only contention is that by conventions, by declarations, by statements, the Government of India and the Secretary of State have declared that in self-governing countries such treaties which are only commercial treaties, such agreements which are only fiscal agreements, ought to be signed by those Governments as their own agreements, as their own treaties, and that they shall have no international importance. My friend, Mr. Das, has referred to an authority and I should also like to refer to it. This principle was accepted by the Secretary of State on behalf of His Majesty's Government in his despatch of June 30th, 1931. If it is not a matter of international importance, my contention is that there is no reason why we should not press in this House that the Government of India should sign this treaty on behalf of India, and if the Government of India fails to sign that treaty, then I submit that it will be a motion indeed for censure.

Sir, there are two questions which I have to put to my Honourable friends on the other side. The first is: Are the Government of India or the Home Government prepared to say that by the Fiscal agreement the British Government has not ceased to exercise control upon India's financial position? The other question is: are the Government of India prepared to scrap the present agreement with the Japanese people, if the

British Government refuse to ratify this trade agreement between Britain and Japan? My submission is that certainly the Government of India can sign this treaty on India's behalf and the Home Government cannot question it. Sir, we also find on reading the papers these days that there is a great demonstration going on in England, urging on the British people that along with them the dominions also should give up all their former treaties with Japan, because Japan is irreconcilable and has been dumping goods indiscriminately. Therefore, if the British people say that they ought to give up all their agreements, will the Indian Government come to the conclusion that they also should give up all their agreements with Japan, or, at least, will the Government of India come forward and say: "All right, we are also prepared to give up this agreement?" That is my direct question which I put to the Benches on the other side; and I say that when once the right of Fiscal autonomy has been conceded to the Governor General in Council, it would be a dereliction of duty, it would be against the conscience of the Indian Government if the Government of India did not stand up for the rights of the Indian people and did not ask that it was within the compass of the rights conferred by the British Government that India should sign this agreement and should sign it alone.

Sir, the other day when His Excellency the Viceroy was making a speech in Calcutta at a meeting of the Associated Chambers of Commerce, these were the words which His Excellency uttered in connection with the Indo-Japanese negotiations—and, I am sure, that they are quite such words as would support our case that India has the right to sign this treaty alone and independently of Great Britain, and not as a vassal of the British Government. Sir, His Excellency said:

"I venture to express the hope that the final agreement will generally be regarded as a settlement, fair and equitable to all parties and interests concerned. In a year that has been remarkable in more ways than one in the commercial history of India, no event has greater significance than the negotiation *by India's own representatives and in India* of an agreement governing her relations with an important foreign Power."

Sir, to say that the real signatures will be made only when the Treaty is sent to England, and when the Secretary of State or the British Government alone may do the final signing, is a very unique way of entering into an agreement by India with a foreign Power. If this agreement is to be a bilateral agreement, if it is to be a binding agreement, and if India is to be bound by this agreement, as His Excellency said in his speech, it ought to be signed and discussed by "India's own representatives and in India". Now, Sir, I may refer to my friend, Mr. Das's interview printed in papers here in India quoting from the reply of the British Foreign Office to Japan on August 2, 1933. It says at one place:

"The British Government does not expect that the details of the trade agreement which will be reached between the Government of India and Japan through negotiations will suffer any modification in London. Nevertheless, it cannot escape the responsibility of examining such an agreement as a whole from the view point of the effect upon India's international relations, etc."

Sir, if this Treaty has any international effect, if this treaty has any international bearing, I would submit that it might then be left to the British Government to sign or refuse to sign; but my submission is that the whole proceeding has been carried on in India with the Japanese Delegation and the treaty has no international effect. When they came here,

[Mr. Muhammad Azhar Ali.]

it was reported that they did not come with their credentials, but ultimately they got them. Now, can a foreign Power present its credentials to a country without knowing that that country has no right to sign or to agree to an agreement? My submission is that the Japanese Delegation presented their credentials to the Indian Government knowing that India had the full right to sign that agreement. Sir, I support the motion.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to oppose this motion. (*Mr. B. Das*: "Hear, hear")—and I am glad, my friend, Mr. B. Das, has given me a very enthusiastic reception. Sir, right at the outset I may say I care a dam, I care two dams (*A Voice*: "Not three"?) for the opinion of the Japanese newspapers. I hear a whisper "Order, order". Sir, if one will refer to the Webster's Dictionary—which is with me here, as I suspected some one would rise to a point of order—he will understand the meaning of the word "dam"—which exactly points out the utter insignificance with which I propose to treat a Japanese Press opinion in regard to matters on which we have a right to arrive at an independent opinion.

Mr. Deputy President (*Mr. Abdul Matin Chaudhury*): "Damn" is not a parliamentary expression.

Mr. C. S. Ranga Iyer: Sir, "dam", according to Webster is a former copper coin, and later, money of account, of India, reckoned variously at from one-fortieth to one-thousandth of a rupee".

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): I may tell my Honourable friend that the pronunciation is "Dham" and not "damn".

Mr. C. S. Ranga Iyer: Well, I do not propose to sit at the feet of a member of the Democratic Party to learn lessons in pronouncing words in the English language, much less at the feet of the gentleman who interrupted me. Well, Sir, the Japanese newspapers have a grievance, I know, that this treaty has not been signed in India. But this grievance has not been adequately expressed in the manner in which it has been expressed in the Japanese Press, in the Indian Press. I admit the members of the Democratic Party are better readers of newspaper editorials than myself, but we have not had any information on this matter in the absence of the Leader of the Democratic Party on this historic occasion as to what the Indian newspapers think about it. After the statement that the Honourable the Commerce Member gave yesterday on this identical matter I could not imagine that in this House we would have been treated to another adjournment motion wasting our time absolutely.

Mr. Deputy President (*Mr. Abdul Matin Chaudhury*): Order, order. When an adjournment motion has been allowed by the President, it means that it is not wasting the time of the House to discuss it.

Mr. C. S. Ranga Iyer: Well, Sir, I am entitled to have my own opinion about the constant moving of adjournment motions on matters unworthy of an adjournment motion, and if the President were in the Chair, I am sure, he would agree with me that adjournment motions must not be unworthy of the cause. This adjournment motion is unworthy of the subject

after the explanation, as I was saying, of the Honourable the Commerce Member. And what is that explanation? The Treaty that was signed or is to be signed has not, and is not going, to alter by a comma or a syllable the agreement that has been reached in this country. Instead of expressing gratitude to the Honourable the Commerce Member for changing the venue of discussions from London to India on a matter that concerns India so fundamentally, here we are taking up our stand on an adjournment motion on a matter which is merely *the quintessence of technicality*, if I may say so, by way of concession if at all that concession can be made. I refuse to make even that concession, for, on technical grounds, until the constitution is changed

Mr. N. M. Joshi (Nominated Non-official): What is the technical ground?

Mr. C. S. Ranga Iyer: Mr. Joshi wants to know what is the technical ground. The answer to it is that he has sat all these years in London at the Round Table Conferences in vain. The constitution has not yet been changed.

Mr. N. M. Joshi: Let us have the enlightenment.

Mr. C. S. Ranga Iyer: He ought to have known what is the technical ground as a constitutional expert. The explanation is merely this that we are precluded by the constitution as it stands at present as explained by the Honourable the Commerce Member, not that I like the constitution as it stands at present,

Mr. N. M. Joshi: When did he explain that?

Mr. C. S. Ranga Iyer: The Honourable Member says, when did he explain it? I wish he were present in the House when the explanation was given or he reads the official reports. I am not going to educate him as to what happens in his absence. He stated very clearly how, until the constitution is changed, this position has been held that India is not entitled to sign. After that, what more explanation can we get from the Government? What better coercion can we bring about by an adjournment motion? We can merely sit up till 6 o'clock and make, as Mr. Azhar Ali has made on behalf of his Party, a mountain of a mole hill. Probably my talented friend from Lucknow would have rather liked the mountain to come to India and not see Japan to go to the mountain. I can understand the Japanese people being hurt. Sir, Mr. Das' photo has appeared among a crowd of Japanese and journalists in a friendly newspaper which likes to publish the photos of its favourites. But if Mr. Das had only looked up the comments of the Japanese newspapers about the conversations being held in India, he would have found that they did not welcome the holding of conversations in India. If he had further gone about that business, he would have known that they preferred having a conversation in a self-governing country like England, but I am not here to quote Japanese newspapers. I wish he had quoted some Indian newspaper on this matter, not that it would have made very much difference in my attitude with regard to this debate. We must be grateful to the Honourable the Commerce Member for having translated to India the scene of discussion especially when a die-hard Tory Imperialist Government with a cosmopolitan make-up is installed in Whitehall. I could have understood if such a thing had happened when the Socialists were in power. I know what a tremendous

[Mr. C. S. Ranga Iyer.]

opposition the present National Government in England have had to meet from its own die-hards and to what extent these die-hards objected to the conversations being held in India. One could have quoted the *Morning Post* and its observations to show that it resented these discussions being held in India. Here we are seeking an adjournment motion on a question when the reality has been achieved by us and only the shadow remains to be secured. We will get that also because coming events cast their shadows before. The very fact that the conversations took place in India is proof positive that under the self-governing Federal Government the setting up of which is irresistible, India will also have the right of putting the signature to a Treaty that it creates.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Are you sure about it?

Mr. C. S. Ranga Iyer: My Honourable friend asks "Are you sure about it?" He ought to have consulted the leaders of his Party who are all minstrels of pessimism.

Mr. Lalchand Navalrai: I want to know what other Party leaders have got to say.

Mr. C. S. Ranga Iyer: Well, I would ask him to "wait and see". (Laughter.) I am not a minstrel of pessimism as our friends the Democrats seem to be. I am not a minstrel of pessimism today on this particular motion, because I am confident that,—as the Honourable the Commerce Member has so subtly stated, until the Constitution is changed, you cannot have that right—I am confident that as the Constitution is being changed, you can aspire for that right. If Mr. Das by this motion only means a mere aspiration for that right, then he would let us go before it is 5 o'clock instead of dragging it on to a weary . . .

Mr. Lalchand Navalrai: My Honourable friend could have gone away.

Mr. C. S. Ranga Iyer: I hope the Honourable gentleman will not be treated to the same reception that he has given to me when I have a time-limit to face. Well, Sir, lastly I have only to say this . . .

Mr. N. M. Joshi: Explain your constitutional difficulties.

Mr. C. S. Ranga Iyer: I can only say that the constitutional difficulties are all his. I understand the constitutional difficulties. The Constitution, as it stands at present, unfortunately does not give us the sovereign right of a Colonial—leave alone an independent—nation.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): This is a slave country.

Mr. C. S. Ranga Iyer: That is it Mr. Joshi is answered by a Democrat who not long ago belonged to my Party and what he said needs no repetition. He says that India is a slave country. If that is the interpretation of the Constitution, why protest against the badge of slavery in a censure motion? Better walk out; resign from the Legislature; join hands with

more sensational groups outside. But if my business is as a constitutionalist in a constitutional House to interpret the Constitution, then all I can say is this that I do not propose to put the cart before the horse. The horses are there and the cart is getting ready. Why be impatient? Our protests here will not make any difference to the existing Constitution. This is not a Sovereign House; this is not an independent nation and it has never had the authority before of conducting such a negotiation here. Nobody would be more pleased, I suppose, than Sir Joseph Bhore if instead of Sir Samuel Hoare he put his own signature to it. Who knows whether he did not wish for it? But the question is: Are you going to fight for the shadow having got the substance, the substance being that the Government of India had a right of coming to a decision with the Government and the representatives of Japan and having come to that decision, that decision is not going to be altered by Whitehall? Having got that, I will not fight for the shadow and I hope the House will reject without mercy this frivolous motion. (Applause.)

Mr. S. C. Mitra: Mr. Deputy President, I regret that we have no other procedure open in this House to discuss such an important question without having recourse to a motion for adjournment which is a motion of censure upon the Government. I certainly agree with the last speaker that there is much to congratulate the Government of India and the Honourable the Commerce Member for what he has done. India, for the first time, has got the substance in such matters of negotiating fully all the details about this commercial treaty. I agree with my Honourable friend, Mr. Das, as to why we should not have complete power including the semblance of it not only the substance of it. My Honourable friend, Mr. Das, has made it clear that there is no international obligation of the Empire involved in this particular question. So it would have been fair for the British Government to empower the Government of India not only to negotiate the terms of this commercial treaty, but also to sign it. I cannot account why the Honourable the Commerce Member made a very sad mistake when he said that India never signed on her own account any treaty, contracted not only on a commercial question but on bigger and higher issues. When the Honourable the Commerce Member contested the position, I sent for books from the Library and I find in the Versailles Treaty the signatures of Mr. Montagu and the Maharaja of Bikaner. If the Honourable the Commerce Member wants to satisfy himself, I can hand over this book to him. Further, I find that in 1921-22, on the Conference of Limitation of Armaments, the Right Honourable Sastri, a Member of the Privy Council, signed for India. So really it is not a novel thing that India on her own rights should sign these international treaties. As a matter of fact, there was a time just after the war when, owing to pressure of circumstances, the British Government was almost on the point of accepting India as one of the self-governing members of the British Commonwealth of Nations. We have receded from that political position for reasons well known to Members of this House and we feel that every day we are far from advancing in the stages of acquiring larger powers. We are going back.

Mr. S. C. Sen: What about Ottawa?

Mr. S. C. Mitra: My friend reminds me that even during the Ottawa Pact the Indian representatives went there and signed on our behalf.

The Honourable Sir Joseph Bhore: It was not an international treaty.

Mr. S. C. Mitra: I accept that it was not an international agreement, but I think the other two treaties to which I referred were of much more importance and India was accepted as an independent unit then. So far as I remember, only self-governing countries were accepted as members of the League of Nations, and referring to some of the Articles of the League of Nations, I find, it is distinctly provided in Article I, paragraph 2, that only self-governing countries will be entitled to become members of the League of Nations. Otherwise the whole thing becomes a farce. So, I say, if they want to be consistent with their own position in the international world, Great Britain should see its way to give India her proper position. Further, in this particular case, the fiscal autonomy convention having once been conceded, I claim that on constitutional points Government will not stand on these mere formalities, particularly when no international obligation is involved. It has been said and I know there are others who hold the same view that on mere sentimental grounds, we should not complain. But I submit that on these matters of national self-respect, sentiment plays a very important part. I do not say that like the Irish Republic on the mere question of the right of secession we should claim not to accept the oath of allegiance. I can understand those formalities, but here is a matter where England will lose nothing, but she will help India to realise her own position at least as a self-respecting nation that she cannot only negotiate her own commercial treaty, but also she can sign for herself. This age of tutelage should gradually cease and we must make some progress gradually. It is conceded even by the bureaucrats that we should gradually advance towards full dominion status, at least His Excellency the Viceroy admitted it, though the Secretary of State is not willing to concede that position. Even from that consideration, I think that the time has now come when England should not stand on mere formalities, and that, where no vital question is involved, India should be given complete power to negotiate and sign for herself. Sir, I think Mr. Das has done a service to the House in bringing forward this motion for our consideration, and when the question was raised, there was no objection from any Member of the House.

Mr. S. C. Sen: Much less from Mr. Ranga Iyer.

Mr. S. C. Mitra: I think this is a very important matter and we should express our views on the same. With these words, I support the motion.

The Honourable Sir Joseph Bhore: Sir, I have not very much to say on this motion, but I intervene at this early stage, because I would ask the Honourable the Mover to allow second and possibly wiser thoughts to prevail and withdraw his motion after he hears what I have to say. The point has been raised about the Treaty of Versailles. That is the only exception that I know of. India is not an International Unit and India has never been treated as an independent unit in the comity of Nations. If the case of my Honourable friends opposite is that the Constitution itself should be changed, that is a perfectly logical position to take, but my point is that so long as the Constitution exists, as it is at present, we cannot get away from the consequences of that Constitution.

Now Sir, may I begin by repudiating the suggestion in this motion that the Government of India made any proposal such as they are said to have made. Coming to my Honourable friend's motion itself, I confess that the actual terms in which it is couched are unintelligible to me. He says firstly that the signing of the Indo-Japanese commercial treaty will reduce the constitutional status of India to that of a subordinate branch of the British administration, and, secondly, that the signing of the treaty in

London will dishonour the fiscal autonomy convention. Now, Sir, let me take the first of these points. The signing of the treaty in London will and can do absolutely nothing towards reducing India's constitutional status. That status,—it must be clear, I hope, to everybody,—is part and parcel of the Constitution today under which, I say again here, it is impossible for the Government of India to enter into a treaty with a foreign Government. It is only His Majesty's Government that can do it on behalf of the Government of India. That position, I say, Sir, arises out of the Constitution as it exists today, and the mere signing of the treaty in London or in India cannot alter that position, nor can anything that we say here alter that position.

Now, I come to the second point, namely, that the signing of the treaty dishonours the fiscal autonomy convention. Personally I cannot see any connection between the two whatsoever. The integrity of the fiscal autonomy convention is not going to be in any way jeopardised or affected by the signing of the treaty in India or in London. My Honourable friend, Mr. Das, is, as pointed out by my Honourable friend, Mr. Ranga Iyer, straining after a shadow when we already have the substance in our hands. What was of importance was that the negotiation of this treaty should be in the hands of the representatives of the Government of India and that it should be left to them. I can assure this House that it was so left and the fiscal autonomy convention was honoured in the spirit and in the letter. My Honourable friend has suggested that the negotiations were over-shadowed or influenced by suggestion from Whitehall. Sir, let me again assure him that there is no vestige of truth in that suggestion whatsoever. I am glad to take this opportunity of repudiating that with all the emphasis that I can. The conclusions which will now be embodied in the treaty were ours and ours alone, arrived at by the Government of India as being in their unfettered judgment in the best interests of this country. I cannot surely be more definite or precise than that. The treaty which will be initialled by the representatives of the Government of Japan and the Government of India will be signed in London by representatives of His Majesty's Government and of the Government of Japan; but the signing of that treaty will not alter by one jot or tittle the substance of the agreement. Now, Sir, I would like to take this opportunity of making a public acknowledgment, a public acknowledgment of the fact that during the whole course of these negotiations we were fully assured of the fullest help and assistance of His Majesty's Government and we knew that that help and assistance would not be withheld should the occasion ever arise for them; and I can assure this House that that fact was a matter of the utmost value and importance to us. People, I fear, are inclined not to look at this matter in its proper bearings. The signing of the treaty, as I have pointed out, is a normal procedure flowing from the Constitution as it exists today.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But, Sir, what is of profound importance and of value to us is a fact which has been almost entirely ignored in this country. I use the word "almost", because one or two speakers in this House have referred to it and you, Sir, made special reference to it in a speech which you delivered in Simla. For the first time in our history we have, through our own representatives and on our own soil at our discretion, entered into an agreement with the representatives of a foreign country. That, Sir, marks a definite epoch in our history and I would ask this House whether it is for that that they have moved this motion in order to censure the Government of India. *Cries of "Withdraw, withdraw".*

Mr. B. Das: Sir

Mr. President (The Honourable Sir Shanmukham Chetty): Is there any provision for withdrawing an adjournment motion.

Several Honourable Members: It was allowed once.

Mr. C. S. Ranga Iyer: Sir, if I may make a statement upon your statement, it is the House of Commons practice that when adjournment motions are moved and an Honourable Member wants to withdraw that adjournment motion, he can do so with the consent of the House. But, of course, I cannot say that the House of Commons practice applies on all fours to this House. In regard to an adjournment motion in the House of Commons matters are arranged under the rules, in a different way from here. Apart from that and in view of a precedent which I recollect, I think the Honourable Member may be permitted to withdraw the motion. Besides, those who initiate a motion have also the right, I think, from a common sense point of view, of withdrawing it, provided they have the consent of the House.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, this motion of adjournment is meant for two purposes. The first purpose is to censure Government and the second is to get a proper answer from Government. If a satisfactory answer comes from Government, there is no necessity to censure Government and it may not be necessary to divide the House if the House is convinced that there is no need to do it and still pass a kind of censure on Government. So even if there is no provision, a precedent may be created now and we may start a convention by which this may be done.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair finds there is a precedent for withdrawing an adjournment motion. Does the Honourable Member, Mr. Das, ask the leave of the House to withdraw the motion?

Mr. B. Das: Sir, I want to make a statement

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member cannot make a speech in withdrawing.

Mr. B. Das: On a point of explanation, Sir. In my speech I never meant to say that the Government of India have not done the right thing throughout these negotiations. I believe the Honourable the Commerce Member did not pay sufficient attention to my speech. What I asked them was to ask the British Government to confer on these three gentlemen—all Members of the Government of India—plenipotentiary powers to sign the treaty. That is all I wanted to say on this motion, and as I find that my Honourable friend, Mr. Ranga Iyer, does not appreciate the very momentous issues I have raised and he is so anxious that I should withdraw this motion, I hope Government will bear in mind what I urged on them and, therefore, I beg leave of the House to withdraw this motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Friday, the 26th January, 1934.

LEGISLATIVE ASSEMBLY.

Friday, 26th January, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

FINANCIAL ADVANTAGE DERIVED BY CERTAIN PROTECTED INDUSTRIES OF INDIA.

28. ***Raja Sir Vasudeva Rajah:** Will Government be pleased to state the amount of financial advantage derived by each of the following protected industries of India, excluding Burma:

- (i) Cotton Textiles.
- (ii) Iron and Steel.
- (iii) Sugar.
- (iv) Matches?

The Honourable Sir Joseph Bhoré: Government regret that they are unable to estimate the amount of financial advantage derived by the industries in question.

DIFFERENCE BETWEEN THE EXCISE AND IMPORT DUTIES ON MINERAL OILS AS A RESULT OF BURMA FORMING A PART OF INDIA.

29. ***Raja Sir Vasudeva Rajah:** Will Government be pleased to state the loss sustained by India on account of the difference between the excise and import duties on mineral oils as a result of Burma forming a part of India?

The Honourable Sir George Schuster: There is no difference between the rates of excise duty and customs duty on petrol so that the question only arises in connection with kerosene. The difference between the rates of excise duty and customs duty on kerosene is at present 11½ pias per gallon. During the year 1932-33, the exports of kerosene from Burma to India were about 126 million gallons. The difference between the two rates of duty, when applied to this quantity, amounts to 74 lakhs of rupees. It is not, however, correct to regard this difference as a loss sustained by India as a result of Burma forming part of India. If Burma kerosene were subjected to the higher import duty, it is by no means certain that the same quantity would be imported into India, while, if Burma were not part of India, the Government of India would lose the income-tax which they at present collect from the oil companies in Burma.

RAISING THE PRICE LEVEL OF RICE.

30. ***Raja Sir Vasudeva Rajah:** Will Government be pleased to state whether India, excluding Burma, has any exportable surplus of rice? If not, will Government be pleased to state whether they have considered the possibility of raising the price level of rice by separating Burma and levying an import duty?

Mr. G. S. Bajpai: The answer to the first part is in the negative. The question whether any action by the Government of India is needed to help the rice industry is being examined.

CATERING CONTRACTS ON THE NORTH WESTERN RAILWAY.

31. ***Sardar Sant Singh:** (a) Is it a fact that catering contracts on the North Western Railway have been given to Messrs. Spencer and Company?

(b) Is it a fact that similar contracts are given to this firm on the other State and Company-managed Railways?

(c) Is it a fact that all refreshment rooms on the different divisions of the North Western Railway are under the control of the Divisional Commercial Officers and their assistants?

(d) Is it a fact that there is a special column provided in the commercial inspection reports for officers and senior subordinates to comment on the management of the sanitation of the refreshment rooms? Is it a fact that they submit quarterly or half-yearly reports on these refreshment rooms?

Mr. P. R. Rau: (a) Yes.

(b) Government are aware that Messrs. Spencer and Company have catering contracts also on the Madras and Southern Mahratta, South Indian and Mysore Railways.

(c) Refreshment rooms at stations are controlled by the Agent through the Divisional Officers.

(d) The reply to the first part of the question is in the affirmative. With regard to the second part, I am informed that inspection reports are submitted annually, but the inspection of refreshment rooms has the constant attention of the administration.

SPECIAL INSPECTRESS TO INSPECT AND REPORT ON THE WORKING OF THE REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

32. ***Sardar Sant Singh:** (a) Is it a fact that a special Inspectress is working on the North Western Railway to inspect and report on the working of the refreshment rooms? If so, what is her pay?

(b) Is there any such Inspector or Inspectress on any other State or Company-managed railway?

Mr. P. R. Rau: (a) The reply is in the affirmative. The pay of the appointment is Rs. 320 rising to Rs. 500.

(b) Government have no information.

STATEMENTS LAID ON THE TABLE.

Mr. P. E. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to unstarred questions Nos. 306 and 307 asked by Mr. S. C. Mitra on the 11th December, 1933;
- (ii) the information promised in reply to starred question No. 1352 asked by Mr. M. Maswood Ahmad on the 11th December, 1933;
- (iii) the information promised in reply to starred question No. 1373 asked by Maulvi Badi-uz-Zaman on the 11th December, 1933;
- (iv) the information promised in reply to unstarred question No. 355 asked by Mr. S. G. Jog on the 16th December, 1933; and
- (v) the information promised in reply to starred question No. 1358 asked by Mr. E. H. M. Bower on the 11th December, 1933.

UNIFORMS SUPPLIED TO INDIAN AND ANGLO-INDIAN TICKET COLLECTORS OF THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

306 and 307. The attention of the Honourable Member is invited to the information laid on the table of the House in reply to the starred question No. 1352 asked by Mr. M. Maswood Ahmad, M.L.A., on the 11th December, 1933.

DIFFERENCE IN THE UNIFORMS OF THE INDIAN AND ANGLO-INDIAN TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

*1352. (a) The difference referred to existed prior to the introduction of the Moody-Ward Scheme and no change was made when the scheme referred to was introduced.

(b) and (c). Supplies have been as follows:

Indian Ticket Collectors.

Summer	. . . . .	2 white drill coats, 2 pairs white drill trousers.
Winter	. . . . .	1 serge coat (blue). 1 pair serge trousers (for Upper Divisions only).

1 Overcoat every four years.

European and Anglo-Indian Ticket Collectors.

Summer	. . . . .	3 white drill coats (blue). 3 pair white drill trousers.
Winter	. . . . .	1 serge coat (blue). 1 pair serge trousers.

1 Overcoat every four years.

(d) Orders have already been issued to the effect that the same number of garments shall be supplied to Indian Ticket Collectors as to the European and Anglo-Indian Ticket Collectors.

TRANSFER OF ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY FROM SIMLA TO DELHI.

*1373. (a) The posts of Assistant Controllers at Simla are seasonal lasting from 16th March to 31st October each year after which the Control Office is closed for the winter months and the Assistant Controllers are transferred to Delhi.

(b) The three Assistant Controllers posted at Simla during the season are on their return to Delhi provided with railway quarters as far as is possible. If railway quarters are not available house allowance in lieu of quarters is paid, if admissible under the rules.

(c) An Assistant Controller who was transferred from Simla in November 1932, was allotted a railway quarter at Tis Hazari a distance of about $1\frac{1}{2}$ miles from the main office, which he did not occupy. Subsequently at his personal request, he was given a railway quarter in Paharganj which he occupied on 20th December 1932. He reported sick on 21st January 1933 and died of pneumonia on 5th February 1933.

(d) No. The traffic on the Kalka Simla Railway during the winter months is insufficient to warrant the Control Office at Simla being kept open.

APPOINTMENT OF TRAIN CONTROLLERS ON THE NORTH WESTERN RAILWAY.

355. The Agent North Western Railway reports that the number of Train Controllers is sufficient. The announcement made in 1927 did not promise that any special steps would be taken to provide Train Controllers with appointments of higher grades; and no special steps have been taken or are contemplated.

CREATION OF TWO NEW POSTS AFTER THE SURRENDER OF THE POST OF TRANSPORTATION INSPECTOR, COMMERCIAL, EAST INDIAN RAILWAY.

*1358. (a) Agent, East Indian Railway reports that:

(a) A post of Commercial Transportation Inspector was abolished in July 1933.

(b) At the time of the abolition of the above post along with certain others it became necessary.

(i) to revive a post of clerk in Grade I on Rs. 178-10-218 and

(ii) to introduce a new post of Special Investigating Inspector in Grade Rs. 160-10-220.

These changes were made to meet the needs of the Commercial Department for the better conduct of claims cases and resulted in substantial savings.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 29th. Under your direction, Sir, the House will sit for the transaction of Government business on Monday, the 29th, and Wednesday, the 31st. On Monday, motions will be made for the election of members to:

(1) the Committee on Public Accounts, and

(2) a special Committee to be constituted for the purpose of considering the working of the Tariff (Amendment) Act which was passed during the last Session.

Leave will then be asked to introduce a Bill further to amend the Sea Customs Act, 1878, for a certain purpose. Thereafter, the first business will be the completion of any business left over from today's list. On the

conclusion of this business, a motion will be made to refer to Select Committee the Indian States (Protection) Bill. It is expected that this business will occupy all the Government time available during the week.

THE INDIAN TARIFF (AMENDMENT) BILL.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, the day before yesterday I was observing that Government had proposed to give protection to certain industries and I was specially laying stress upon the glass industry. Government are doing well in proposing a tariff for the glass chimneys and hurricane lantern chimneys. But as I observed, Government did not take into consideration the pitiable condition of the lantern industry and Government did not propose to do anything for it for the present. Since then, I have received two telegrams from the Ogale Glass Works—they are very short ones, and, for the information of the House, I shall read them:

“Hurricane lantern industry in grave danger no hope living more if not included in Tariff Bill at this stage pray include our case in Bill note rates American Lanterns rupees 13 12 German 14/8 Japan 9 only also note glass globes enquiry took seven years fervently hope Government grant immediate relief so badly needed.

Specific duty hurricane lanterns at rupees six per dozen is badly needed to enable like Indian industry to live”

It will be seen that, since the depreciation of the dollar, America has entered into competition and they are now selling their lanterns at Rs. 13-12-0 per dozen in the Bombay market, while the Germans are selling at a little higher price at Rs. 14-8-0 a dozen; but Japan is a still more formidable competitor as she can sell her lanterns at Rs. 9 a dozen; and, against this heavy competition, the local producer has got no chance. The local producers now look to Government to give all the help needed, and I hope the Honourable the Commerce Member will take this into consideration. I was also observing that the owners of cotton mills in Japan made proper use of the huge profits they made during the war and after the war; while the owners of Indian mills made profits, but frittered them away in giving excessive dividends to their shareholders and filling the pockets of the agents. They were very spendthrift in those days of prosperity, and now, as they have fallen on evil days, they come to Government and ask for protection; and my Honourable friend, Dr. Ziauddin Ahmad, has called them paupers or orphans. It is for the representative of the Millowners' Association to support their cause and I shall not stand in his way. Along with the millowners, the labourers also have fallen on evil days, and if the mill industry survives, then alone the mill worker will get work and, therefore, in this respect, at all events, the interests of the millowners and the millhands are one, and I, as the representative of the millhands, fully support the demand they make. In order to protect the nascent Indian industries from foreign competition, Government have taken this measure of raising the tariff. But I may submit that the disease is the other way. Japan and America are competing, because they have depreciated their currency and in that way they are in a favourable position to dump their articles on the market. The proper remedy would have been to keep pace with this depreciation of the currency. But the Government of India do not want to depreciate the currency. The proper remedy would have been the depreciation of the currency, because this move on

[Mr. B. V. Jadhav.]

the part of the foreign competitor ought to be met by a similar move in the same direction by the Indian Government. But Government are firm. They do not want to depreciate the currency, but they are going to do something—it is a palliative and not a remedy at all—so that the Indian manufacturer may be given some help to fight with this strong foreign competition. But then, I am afraid the foreigners—Japan and America—will more and more depreciate their currency, and then it will be very difficult for Government to protect the indigenous manufacturer. I do not know what this competition in lowering the currency will lead to. I am not an economist and I cannot say what should be done. I only go on examples and precedents, and I now see that country after country is going to depreciate its currency, and I think that our Government also will have some day or other to do the same. Well, my prayer may fall on deaf ears,—I cannot help that. The raising of the tariff wall is like the raising of the walls of a castle. The height of the walls will not protect the people from those who are throwing bombs from the air. The countries who want to bring prosperity to their people are doing it by means of depreciating their currency, and I think the best remedy will be to fight them with the same weapons. Further, Sir, we are thankful to the Honourable the Commerce Member, because he has taken into his head to do something for encouraging the indigenous industries, and, therefore, I support the motion of the Honourable Member.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce). Mr. President, as the Bill is going to a Select Committee, I do not think it is necessary for me to say very much at this stage of the proceedings. The only reason for my intervention in the debate is to refer very briefly to the principles and the genesis of this measure, and to congratulate my friend, the Commerce Member, upon what I regard as a very notable achievement. Sir, it was well over 18 months ago that my Association made a representation to the Government of India in this connection. The sorry plight of many of the smaller industries of the country was brought home to us when I headed a deputation to the Government of India at that time, and when it was found that the tariff legislation of the country was very defective and more or less entirely disabled Government from giving prompt relief, we sent up a representation outlining the lines upon which India should have a safeguarding Act and pointing out the example of other countries, notably the dominions, which have placed upon their Statute-book measures of this character during the last two or three years. As happens very often with such bright ideas, this particular idea was promptly pigeonholed, but we kept up the agitation through various commercial and industrial organizations, and partly as a result of that, and very largely as a result of the keen anxiety of the Commerce Member to help the industrial development of this country, a Safeguarding Act came to be placed upon India's Statute-book. It is a measure on which, I think, the Commerce Member will always be able to look back with pride. The Bill before the House is the first offspring of that measure, and if I have to find any fault with it, it is on account of its belated character. For these last 18 months and more, a great many industries in India have been crying out for relief on account of very severe Japanese competition which almost threatens their existence, and I am afraid one or two of the smaller industries have actually been wiped out. I understand, for instance that the hosiery industry in Cawnpore

has received a very severe setback, and that one or two large factories have had to close down

An Honourable Member: Where?

Mr. H. P. Mody: At Cawnpore. Well, Sir, belated though the measure may be, it is very far-reaching in character, and I am afraid its importance has not been sufficiently appreciated by some of my Honourable friends who have taken part in the discussion. I have always advanced the view that it is absolutely impossible for India to maintain her position in the comity of nations without a very rapid industrialisation of the country. Of course, we all recognise that agriculture is, and must continue to be, the main source of the people's income, but there is also no doubt about it that, unless India is to adopt the position of being an exporter of raw materials and an importer of manufactured products, a rapid industrialisation of the country is absolutely necessary. I do not know, Sir, whether there is much scope just now for the major industries to develop, there does not seem to be any immediate scope for any large scale industries to come into existence. The line of advance that I foresee in the near future is in the direction of the smaller industries which are springing up, notably in Bengal and, looking at the matter from that point of view, I was very sorry to find my friend, Dr. Ziauddin Ahmad, attacking the measure

Dr. Ziauddin Ahmad (United Provinces Southern Divisions. Muhammadan Rural): May I just explain, Sir? I say if you want to give protection, give adequate protection.

Mr. H. P. Mody: If that is so, we shall see what we can do in the way of inducing our friend the Commerce Member to meet us in the Select Committee, but I thought my friend, Dr. Ziauddin Ahmad, stated that the whole of this measure was somewhat funny in that it sought to restore a price level

Dr. Ziauddin Ahmad: That is it.

Mr. H. P. Mody: Well, I do not think my friend has properly appreciated what the underlying object is. It is not the object of restoring any sort of price level; the whole object is to put smaller industries on the same competitive basis on which they stood two or three years ago. Whether in 1931 they were in a position to compete against the onslaught of Japanese imports is another matter, but the whole idea of the Bill is to put Indian industries on the same level as they stood in 1931.

Dr. Ziauddin Ahmad: And not in 1929?

Mr. H. P. Mody: I have already said that it is arguable whether Indian industries were in a position to compete in 1931, and it is a matter we shall go into in the Select Committee. But there is just one fly in the ointment, and that is the Commerce Member's adherence to the most favoured nation clause. Now, Sir, I do recognise the difficulty of the Commerce Member in doing away with the principle of the most favoured nation clause in view of the insistence which the representatives of Japan placed upon it, but I would just like to say to my friend that this most

[Mr. H. P. Mody.]

favoured nation clause is being attacked by commercial opinion in most countries, and various Governments are carefully examining its implications. My friend must have seen that, during the last two or three days, Lancashire has entered the fray. Lancashire wants to know why the most favoured nation clause should be adhered to in spite of the fact that industries are dying out and cannot withstand the onslaught of Japanese competition. I would also like to mention in this connection a fact which, I think, is very well known to the Commerce Member that many countries have been very clever about the application of the clause, notably France, which, four years ago, gave the go-by practically to the obligations arising from it under the excuse that other countries with whom it had trade treaties had depreciated their currency. What I just want to say is, and I once again admit the difficulties of my Honourable friend, the Commerce Member, that after all the most favoured nation treatment is not that sacrosanct thing in commercial treaties which it used to be a few years ago.

The only argument that I have heard against the Bill is that it affects the consumers' interests. The consumers' interests are bound to be affected whenever there is a measure for the protection of industries. But I have always urged, and I will urge once again that the consumer has no right to expect to go on buying at uneconomic prices. If by protection the price to the consumer was unduly raised and if it turned out that he was being exploited in some way through a tariff wall, then I can understand the consumer's argument. But the consumer cannot come forward and say, I am getting things for next to nothing, and let me continue to get them. If such an argument were to be pushed to its logical conclusion, the only thing that would happen would be that India would continue for all time to export her raw materials and import manufactured articles, and the industrial progress of the country would be completely at a standstill. I say that the House could be well advised in according this measure of a far reaching character its most cordial approval, and in thanking the Honourable the Commerce Member for having the courage and the vision to help by one single measure so many industries, a thing which has not happened before in the history of tariff legislation in this country. Sir, I heartily support the Bill.

Mr. A H Ghuznavi (Dacca cum Mymensingh; Muhammadan Rural): To my mind it seems to me that this piece of legislation is amazing. In whose interests are we making this legislation? Surely not in the interests of the masses, surely not in the interests of the hosiery industry of this country. In the first place, the hosiery industry in India is not an established industry. In the second place, the protection that we are giving is not sufficient protection to the hosiery industry at all. Therefore, you are only raising the prices which will hit the masses. My Honourable friend, the Commerce Member, has taken the statistics of 1931 and 1932 as the basis of his argument that the imports from Japan have been increasing from year to year. Well, Sir, let me ask this House to go back to the figures from 1927. In 1927-28, the imports were 24,02,617 dozens

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): May I ask the Honourable Member whether that is from all countries or from Japan?

Mr. A. H. Ghuznavi: All countries.

The Honourable Sir Joseph Bore: That is right.

Mr. A. H. Ghuznavi: Even then I shall be able to show, when this Bill emerges from the Select Committee, that most of that came from Japan; I am preparing the statistics. In 1928-29, the imports were 29,41,350 cozens; in 1929-30, 29,04,960 dozens. The Commerce Member takes the figure from 1931-32 when the imports were 12,90,635 dozens, and it has risen to 25,89,698 dozens in 1932-33 and, in 1933-34, for the first eight months, to 22 lakhs dozens. Has my Honourable friend forgotten the march to Dharsana by Mr Gandhi in 1930-31? Has he forgotten the boycott movement? The period which he has taken is the period when all foreign imports were reduced by 60 per cent., if not more. What I want to show is that the imports from Japan have not increased in the way it used to before the boycott movement was started.

Mr. B. Das (Orissa Division Non-Muhammadian): There was no boycott of hosiery.

Mr. A. H. Ghuznavi: There was boycott of every foreign import, not only of hosiery, but of every type of foreign goods. Well, Sir, what is the position? After the boycott movement and the Civil Disobedience Movement—our gratitude goes to Lord Willingdon and his administration for having put an end to that boycott movement and the Civil Disobedience Movement—the trade is being restored to its normal conditions. It has been said that the depreciation of yen has been so terrible, so exacting that it has brought down the prices of Japanese goods in India, and, therefore, the Indian industry cannot compete in that abnormal condition. Let us not forget that the world economic conditions have affected every type of goods in the whole world. It is not due to the depreciation of yen alone, but the fact remains that the depreciation is due to the economic depression throughout the world. Why, then, come up with this extraordinary duty, this specific duty, and not allow the masses to enjoy the lower prices which circumstances have enabled them to enjoy? I will instantly show that by depreciation of the yen the prices have not gone down very much, but you must bear in mind that Japan is buying cotton from India, and the depreciation of the yen means higher prices paid to the cotton grower. And the depreciation of the yen has not taken away the cost of production in Japan. Therefore, on the whole the prices cannot go down too low due to the depreciation of the yen. It is due certainly to the world-wide depression where all commodities have gone down in value. I ask my Honourable friend, the Commerce Member, what he has done to restore the prices of the foodstuffs, the prices of other commodities. Why is it that you are so anxious to restore the price for a handful of industrialists who want to make a profiteering business by the imposition of this heavy duty? Are you not here to look to the interests of the masses whose needs can be supplied at a cheaper cost if this tax is not put on to the prices? Would not the House be surprised to find that there could not have been the depreciation of yen to the extent of 240 per cent. which they have imposed? Now, Sir, I will demonstrate that by showing the samples and mentioning the prices.

This is a piece of undervest. Its c.i.f. price was 10 annas a dozen; add to it the *ad valorem* duty of 25 per cent. and the price comes to 12

[Mr. A. H. Ghuznavi.]

annas and 6 pies. What is the result today? You have to add to the original price of 10 annas Rs. 1-8-0, and, therefore, it is now saleable in the market for Rs. 2-2-0 a dozen. I challenge the industrialists who are representing the industrial interests to manufacture this article even at Rs. 2-2-0 a dozen?

Mr. J. Ramsay Scott (United Provinces: European): I would take a contract now to supply any amount at Rs. 1-4-0 a dozen.

Mr. A. H. Ghuznavi: The Honourable Member himself has shown that the Government have replied in answer to a question that the production in this country only of hosiery is to the extent of 23 per cent. of the imports. How can the Honourable Member, therefore, supply hosiery to the whole of India when his figures of December 1933 show that he can only produce 23 per cent. of the imports?

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): I think the information given by the Government is wrong and I will show it in my speech.

The Honourable Sir Joseph Bhoré: It is an under-estimate.

Mr. A. H. Ghuznavi: Then, Sir, take another piece of undervest. This was priced at 10 annas and $\frac{2}{3}$ pie per dozen. Rs. 1-8-0 has now been added to it, with the result that it is unsaleable at that price. Is it due to the depreciation of the yen? The whole argument was that the protection should be given to the industries owing to the depreciation of the yen. Is this Rs. 1-8-0 due to the depreciation of the yen?

Then, Sir, I will show another article. This is the children's sock. Its price is four annas a dozen and it can only be sold at that price. The specific duty imposed on this sock is 10 annas per dozen. Surely nobody is going to buy this sock for 14 annas a dozen. Sir, I ask: Are you going to impose this duty for the benefit of these handful of industrialists? Would you not look to the needs of the masses?

Mr. N. M. Joshi (Nominated Non-Official): Is that a good stuff? Will it last even for a week?

Mr. A. H. Ghuznavi: Why do you deprive the masses of these socks which you cannot manufacture here at that price?

Mr. J. Ramsay Scott: The whole point of this protection is to enable us to manufacture.

Mr. A. H. Ghuznavi: At the cost of the consumers. Sir, later on, when this Bill emerges from the Select Committee, I will be able to show to this House that the depreciation of yen is responsible only to the extent of 10 or 15 per cent of the rise. Surely the depreciation of the yen does not justify the Honourable the Commerce Member to impose a duty of 240 per cent. I ask if the hosiery industry in India is an established industry? No one would be more pleased than myself to give this industry all the support needed if it was an established industry. It is an inefficient industry, and you cannot put efficiency into inefficiency by protection.

The same is the case with the orphans of Bombay. The guardian of the orphans of Bombay, who is sitting here, comes to this House year in and year out with a beggar's bowl for protection. Whatever protection you may give them, let me prophesy that they will not be able to survive, because the efficiency is not there. Give them as much as you like from the pocket of the tax-payer, but you will not be able to save them.

Mr. G. Morgan (Bengal: European): That does not matter.

Mr. A. H. Ghuznavi: It does matter to the masses or the persons who pay. Sir, I have been reading this Bill carefully. One of the items is earthenware. As far as I remember, there was a pottery works in Bengal, but I do not know what is the condition of that pottery works at present. I think it has either gone into liquidation, or it is going.

Mr. S. C. Sen: It is not going into liquidation.

Mr. A. H. Ghuznavi: Is my friend a Director of that Company?

Mr. S. C. Sen: I have nothing to do with that Company.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Have you taken up the brief of the hosiery industry?

Mr. A. H. Ghuznavi: I have taken up the brief of the masses. Now, Sir, let us take domestic earthenware, China and porcelain cups. These cups are sold at 10 annas a dozen and the protection duty is also put at 10 annas a dozen. The saucers are being sold at the rate of five annas a dozen and the protection duty is also five annas a dozen, with the result that they will not be available for less than 10 annas a dozen. May I ask, in whose interests this duty is being imposed?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muham-madan Rural): In the interests of Gwalior Potteries.

Mr. A. H. Ghuznavi: Yes, in the interests of a State, not even of British India.

Mr. C. S. Ranga Iyer: You believe in Federation.

The Honourable Sir Frank Noyce (Member for Industries and Labour): The Gwalior Pottery has a factory in Delhi.

Mr. A. H. Ghuznavi: Can that Gwalior Pottery supply the requirements of the whole of India?

Mr. C. S. Ranga Iyer: Give it a chance.

Mr. A. H. Ghuznavi: It cannot supply even one per cent. of the requirements of the whole of India. Teapots are now sold at three annas each and those teapots will have to be sold at four annas *plus* three annas, that is, seven annas. Milk-jug, sold at one anna, will have to be sold at two annas; at double the price! In whose interest? In that of the Gwalior Potteries. I could have understood it if you wanted it for

[Mr. A. H. Ghuznavi.]

the purpose of revenue. You say: "I do not want to do it for that, I am giving this—what? Protection against the depreciation of the yen." I ask, is this cent. per cent. increase called for, to meet the depreciation of the yen by a corresponding amount? Which, then, is the industry which will receive this protection? The Gwalior Potteries will have this protection. My Honourable friend gave an example of lead pencils. They have come down to ten pies a dozen. So he has very kindly put on a specific duty of one anna. Therefore, the poor people will now have to buy those pencils at one anna and ten pies! Is there any pencil factory in the world that can produce pencils at ten pies per dozen? I should like to have an answer. Can any pencil factory in the world, excepting those in Japan, produce a dozen pencils for ten pies? Still, the poor masses will have to pay one anna more per dozen. You don't use pencils of the 10 pies a dozen variety in your office. Sir, it is the masses who do and they will have to suffer. Then, again, the Honourable the Commerce Member was giving us an illustration of umbrellas. The depreciation of the yen has reduced the price of umbrellas from a price of Rs. 1-1-0 to nine annas, and, therefore, he has kindly put on eight annas as the specific duty so, as to raise the price to Rs. 1-1-0. Now, is there any umbrella factory here in India which makes umbrellas? They all assemble the foreign materials. Even the handle, the bamboo handle, is imported (A voice: "Not everywhere.") But if the poor masses are getting cheap umbrellas for nine annas, why do you deprive them by putting on an eight annas specific duty? For whose interest, for whose benefit? If you look to the item of umbrellas, you will find even toy umbrellas have gone up, because of the specific duty of eight annas,—and these used to be sold at two to three annas. Then, also, the case of parasols which are not made in India at all, not even assembled. In whose interest are you putting on the eight annas for parasols? Well, it seems to me that the Honourable the Commerce Member has been trying to follow what Mr. Gandhi wants us to do. "Have only your loin cloth and nothing else. I will deprive you of your vest, I will deprive you of your umbrellas, have a sun-bath and a rain-bath, they are good for your health." (A voice: "Catch cold and die.")

Mr. Amar Nath Dutt (Burdwan Division. Non-Muhammadian Rural) Why not deprive yourself of the loin cloth also?

Mr. A. H. Ghuznavi: In whose interest, I ask? You don't want this money for your revenue. What industries are you protecting by depriving the masses of protection from sun and rain? (A voice: "And from the bitter cold.")

Mr. B. Das: And what about the bitter hunger?

Mr. A. H. Ghuznavi: My friend, Mr. Ramsay Scott, was saying that he could produce these at Rs. 1-4-0 a dozen. Sir, let me prophesy here that neither the Indian industries nor the importers nor anybody else will be assisted by this protective duty. Once you have imposed this duty, foreign Japanese imports will be stopped, because it is not saleable at that price. Nobody would buy Japanese stuff which they could get for 12½ annas a dozen for Rs. 2-2-0 a dozen. Even if they produced it at Rs. 1-4-0, the masses are not going to buy. They will resort to the other alternative, and I have seen shops started already in Calcutta selling

cut piece cloths; they will make their cut piece cloth shirts as they call it, which are sold now in Calcutta in hundreds and substitute them for these vests either made here or imported from Japan, because that Japanese imported vest could only be sold at one anna each and not at three annas which will be the price after paying this Rs. 1-8-0 a dozen specific duty. The masses will all resort to those cut piece cloth shirts, unless they choose to follow Mr. Gandhi and have only a loin cloth. It will neither help any industry, nor will it help the importers and the masses. Then the Honourable the Commerce Member said in his speech that this was a temporary measure; he was not giving a substantive protection to the Indian industries. It was a temporary measure, he said, because the depreciation of the yen had so reduced prices that the local industries would not be able to compete. And he says: "I have taken the figures of 1931 and 1932 when the industries did not approach me for any protection as they could go on competing with the Japanese imports." My friend has forgotten that in 1931-32, in respect of which he says no complaint made, there could be no complaint. Nobody would buy foreign goods then,—there was the boycott, and the Civil Disobedience Movement.

The Honourable Sir Joseph Bhore: The Honourable Member is a little wrong in his figures. I said "1930-1931".

Mr. A. H. Ghuznavi: That is no doubt right, but was not the Civil Disobedience Movement started in April, 1930? It continued during the whole of 1930 and 1931.

The Honourable Sir Joseph Bhore: My Honourable friend attributed the figures 1931-32 to me. I merely wanted to correct that.

Mr. A. H. Ghuznavi: The Civil Disobedience Movement was started in April, 1930, and the local industries had no complaint, of course. High price or low price, nobody would buy foreign goods, and the imports, therefore, fell to the tune of 60 or 70 per cent. Then, Sir, I see from this Bill that there is no clause of exemption as there was when the imposition of the duty was made on wheat. In that case the Bill had a clause that the existing contracts prior to the date of introduction of the Bill would be exempted. There is no such clause here. Now, why do you penalise these innocent importers who never knew your mind that you were going to jump up to 240 per cent. of protective duties? Why do you penalise them by not exempting the existing contracts *bond fide*, made prior to your announcement of these high and impossible duties? Sir, tons and tons of goods are lying in the bonded warehouses, duty not paid. It is no use paying the duty. It is better to throw them away in the Ganges rather than pay the duty and take the goods to your godowns and shops, because they are simply unsaleable at that price!

Mr. J. Ramsay Scott: I am very glad to hear that the Bill is having a good effect.

Mr. A. H. Ghuznavi: Yes, because it pays you. Why penalise them? Why give them differential treatment to that which you accorded during the time of the Wheat Bill?

Sardar Sant Singh (West Punjab, Sikh): May I inquire if it is not a fact that notice was given to Japan that the most favoured nation treatment would come to an end on the 10th October? Was that not sufficient notice?

Mr. A. H. Ghuznavi: Do you mean to say that they knew that there would be a 240 per cent. increase?

Sardar Sant Singh: Then what was the meaning of putting an end to the most favoured nation treatment?

Mr. A. H. Ghuznavi: They never knew that an unheard of imposition of 240 per cent. increase would be made. Because you are a Member of the Assembly, do you think that these poor traders and importers, who do not care a twopence as to what is going on on the floor of this House, knew what was going to happen to their contracts?

An Honourable Member: They must suffer for their ignorance.

Mr. A. H. Ghuznavi: Suffer for their ignorance? Suffer for what you had up your sleeves? Why did you not say so openly: "Beware of the 10th October". Did you say that? No. The argument was adduced that during the budget there has always been a change and the importers suffer. Show me any budget in which you have made a change of 240 per cent. and 200 per cent. There has been a fair and reasonable change of 15 or 20 per cent. The trade can bear that, but here you impose a specific duty and still you say "I am not going to give you exemption".

Sardar Sant Singh: Does my Honourable friend know that the case of diesel oil was disposed of last Session and that no such exemption was given to the importer.

Mr. A. H. Ghuznavi: I need not reply, because I am not giving way. As regards wheat, most of the existing contracts were with the European firms. That is at the bottom, and here Indian firms are concerned. We must confer this boon on a handful of industrialists. There is only one man who has made all this noise and he comes from Burma. He is one of the importers and also manufacturers. He is the man who has made all this noise.

Mr. J. Ramsay Scott: Is the Honourable Member aware that Japanese suppliers have threatened to boycott this man if he asks for protection for Indian manufactures?

Mr. A. H. Ghuznavi: I shall have to inquire from the Japanese Delegation before I give an answer.

Mr. J. Ramsay Scott: I am prepared to supply you with the letter.

Mr. A. H. Ghuznavi: Unless you do that, I am not going to accept your statement.

Mr. J. Ramsay Scott: I shall be very pleased to.

Mr. A. H. Ghuznavi: I ask this Honourable House whether, on the facts that I have placed before it, it feels that the imposition of these

specific duties will be in the interest of the masses. I hope the House will look into the Bill carefully after it emerges from the Select Committee.

Mr. O. S. Ranga Iyer: Sir, when I came to this House, my intention was not to speak, much less to listen, but to proceed expeditiously with this Bill, so that, after our work in the Select Committee, we could place it on the Statute-book, but after the speech of the staunch supporter of the Japanese masses, which we listened to just now, I thought it was my duty to take up the cudgels on behalf of India. Sir, the speech that the Honourable gentleman from Calcutta made was in the name of the masses, I admit but the masses of Japan, for the policy of the Japanese Government has been to solve the question of unemployment by heavily subsidizing their industries even to the extent of dumping their products into other countries, so that instead of giving doles, as in England, they might give wages to their men in Japan.

Mr. N. M. Joshi: Very good policy.

Mr. O. S. Ranga Iyer: My friend, Mr. Joshi, says: "It is very good policy". I admit and I hope a time will come when we will also solve our unemployment problem on those lines, but it is a very bad policy for us to solve the unemployment problem of Japan and add to the severity of unemployment in this country. I am willing to take the facts, if not the arguments of my Honourable friend. He said, in the course of his speech, or rather he admitted that Japan feeds the masses of India to the extent of 77 per cent. If that were so, I should like to ask him whether he wants to deprive the depressed classes of Indian industrialists, a minority of 23 per cent., of their industrial existence and the poor dependents, the labourers, of their job. It is all well and good. . . .

Mr. J. Ramsay Scott: The smallest figure I got was 25,000.

Mr. A. H. Ghuznavi: That is the figure that has been given by the Honourable the Commerce Member.

Mr. J. Ramsay Scott: I very much doubt the 3,000 figure:

Mr. O. S. Ranga Iyer: I am prepared for arguments' sake to accept the humble three thousand which the Honourable gentleman on behalf of Japan has been pleased to present to us. But if 12 NOON. it came to a choice between two evils, much as I sympathise with human suffering, I would rather have three million people in Japan starve than that three thousand of my own countrymen should be starved by enforced unemployment. (Hear, hear.) But the facts are different, the figures are different, and if he takes into consideration every single item that is to be protected, he will understand that not 3,000 but many thousands will go without job if the Japanese flood is not to be dammed. It is this damming of the Japanese flood into this country by the erection of a big tariff barrier, provisionally to begin with, I hope permanently later on

Dr. Ziauddin Ahmad: Will the Honourable Member define the meaning of the word "dam"?

Mr. O. S. Ranga Iyer: It is "D A M". Then we were told that there is such a thing as depreciation of the Japanese yen and we were told

[Mr. C. S. Ranga Iyer.]

that it was only to this extent and not to the other extent. Whenever figures are presented by any foreign country or on behalf of any foreign country, not having the opportunity carefully to examine and study and analyse those figures and those facts, we must approach them with some suspicion and, not being in the confidence to the extent to which the Honourable Member hinted he was of the Japanese people in regard either to the manipulation of their currency or to the extent to which it affects our people, I can only say that I cannot share his appreciation of Japanese depreciation of currency so far as our country is concerned. He said, rather his whole pose has been, "here I am speaking for the masses". There was a time when we people were described as a microscopic minority and wails used to come on behalf of the masses, they used to come from the countrymen of my Honourable friend, Sir Leslie Hudson, who sits in front of me. That was in the last century when there was a dispute between us and them in regard to who represents the masses. At this time that dispute, so far as England is concerned, is isolated to the Churchill group, but so far as India is concerned it appears to be elevated to the Ghuznavi cum Japanese group. (Laughter.) He took up a truly humanitarian attitude, a humanitarianism avowedly on behalf of the Indian masses—a humanitarianism which loves every country except its own, and then he went to "the orphans of Bombay" with the "beggar's bowl" which was a Japanese bowl and he talked of inefficiency. If he understood, as I know he understands, the elements of economics, he will concede that the very way to protect an industry rendered inefficient by time and fate and the world-wide depression, the very way to render it efficient is to give it the requisite protection. He said in one breath, "Oh! it is not adequate enough". Suppose, and there my Honourable friend, Mr. Ramsay Scott, will stand by him, suppose we want the protection to be more adequate than the Government are prepared to make it adequate, because they also have some soft corner for Mr. Ghuznavi's consumers, will my Honourable friend then support this piece of legislation? He cannot have it both ways, he says in one breath that it is inadequate and in another breath he says that you must not have it at all. Let us have it quite clear from him whether he says it is not sufficiently high tariff. Well, then, Mr. Mody, would have made a different speech. He (Mr. Ghuznavi) would have walked not with a beggar's bowl, but with a broker's heart into the Bombay camp. I think, Sir, that the Honourable Member, who is a member of the Select Committee could have kept his powder dry. He waxed eloquent about the plight of children if they did not have Japanese wares. Mr. Joshi, with his usual sense of humour and vigilance, asked him how long did they last. The Honourable Member said: "That is no consideration, the masses should be cheated into buying something that does not last". He then said that the undervests of children were not made in this country. If only he went to Cawnpore or if he raised that question in his Select Committee, he will understand that there is at least one factory in Cawnpore which produces undervests to the extent of 40 per cent. of its total production. I live in the neighbourhood of Cawnpore and I ought to know it. Then, Sir, he talked of certain defunct Bengal Potteries and he imagined that the Gwalior Potteries nearer home in Delhi were somewhere in the Gwalior State. Surely as between Japan and the Indian States he ought to know whose interests to choose, not those of the Japanese people and the Japanese masses, but the starving masses of the Indian States as he had something to do with

the shaping of the Federation that we see coming sailing on the wind. Then he went on to the boycott movement. I think the boycotters must at least be glad to this extent that they are on Mr. Ghuznavi's brain. But if he shared a greater enthusiasm for the killing of the boycott movement than the Honourable the Commerce Member, I can only say that he is out-Heroding Herod. Sir, I am not here to pronounce blessings on Lord Willingdon's administration for having killed the boycott movement if they have killed it at all. Nor am I here on the contrary to draw a distinction between Lord Willingdon's Government and the Honourable the Commerce Member. Probably the Honourable Member from Calcutta has a greater enthusiasm for Lord Willingdon's Government than the Honourable the Commerce Member! These are facts which the House can judge for itself. To say that the Civil Disobedience Movement has proved a greater weapon than the Honourable Member's piece of legislation is a kind of compliment to the civil disobedience people who will surely be encouraged by Mr. Ghuznavi's lead and that leads him to say: "I am amazed at this piece of legislation". I can only say, I am amazed at the kind of association he made between the civil disobedience people and the Japanese movement. Probably there is an understanding between them according to him, an understanding which Mahatma Gandhi will, I am sure, if he is going to talk upon politics, strongly repudiate. Then the Honourable Member talked about the hosiery industry and he asked: "Does such a thing exist in this country?" It is not "an established industry". But the best way to dis-establish that industry is not to pass this piece of legislation.

Lastly, my Honourable friend, Mr. Maswood Ahmad, wants circulation. Probably Mr. Ghuznavi who shares the same enthusiasm will not serve on the Select Committee. The rule in this House with this kind of people seems to be what Lewis Carroll put in his "Alice in the Wonder Land" The rule is "Jam tomorrow and jam yesterday, but no jam today".

Mr. N. M. Joshi: What is the meaning?

Mr. C. S. Ranga Iyer: I shall explain to my Honourable friend. From the 22nd December onwards, this Bill has been treated as though it has come into law and money has been and is being collected. That is the jam yesterday. And if circulation of the Bill, that is by and bye which will be tomorrow or never, is to be carried, that is "jam tomorrow"; and the jam of yesterday that has been consumed will have to be returned. Mr. Ghuznavi believes in the jam yesterday and tomorrow and not in jam today. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban). Sir, the issues raised by this Bill are undoubtedly not of a very easy nature which can be disposed of with a light heart. One cannot help wishing that as the Honourable the Commerce Member was able to conclude an agreement with Japan with regard to piece-goods and yarn, he had equally been able to conclude an agreement with reference to the articles mentioned in the Bill. The whole political world is now in a state of unrest with reference to economic matters and no one knows where this is going to end. I am sorry to find, Sir, that our country also is being dragged into this vortex. I do not say that it could have been avoided, but the fact has still to be regretted that we should have been drawn to this economic war. Now, so far as this House is concerned, we have deliberately adopted a policy of

[Sir Abdur Rahim.]

discriminating protection, and whether the interests of one country or another are affected by this policy of ours we cannot help it. We have to go forward with it, because it is the need of India that it should be industrialised. At the same time, we have to be very careful in pursuing this policy not to injure our own interests, the interests of the people of this country. Sir Joseph Bhore can never be charged with not being absolutely lucid in stating his case, but in this matter I have not been able to follow exactly the character of the Bill before the House and what is sought to be achieved by it. He started by saying,—and I am making these remarks so that the matter may be elucidated,—that this Bill is not designed to give substantive protection to any industries. I think that is correct, I mean that is a correct report of his statement as it has appeared in the papers.

The Honourable Sir Joseph Bhore: Sir, may I explain? It should be read with a statement that I made during the course of my speech when I amplified that phrase. I made it clear that we were not really giving substantive protection in this Bill, in pursuance of the policy of discriminating protection.

Sir Abdur Rahim: Then I am still not sure that I can follow this somewhat subtle distinction. But let us proceed. I think the ground on which he based this Bill was that it has become necessary or it will be to the advantage of the country to restore the competitive conditions which prevailed in 1930-31 in these articles. I have tried to understand what that means and I take it, having regard to the scope and provisions of the Bill, that it means that he wishes to raise the price level of these commodities to what prevailed in those years. That price level has been seriously affected by what he has called, I believe, abnormal Japanese competition. Now this question of rise in price level is one of very great complexity. If you raise the price level of certain articles and, at the same time, you are not able to raise the price level of other commodities, then it cannot be to the advantage of the consumers,—the general public,—and to the benefit of the country. Now, we know that in another country, —America,—President Roosevelt has been making very strenuous efforts to raise the price level, and we know that was one of the objects of the World Economic Conference, but they did not succeed. Here in this country our main industry is agriculture and the price of agricultural products has gone down to a very low figure. I believe it is about one-third of what it used to be, or at any rate something near that figure. Those are the people that consume most of the articles which are included in this Bill. What will be the result? The result will naturally be that the consumers, that is the agriculturists of the country, having lost the greater portion of their purchasing power, would not be able to buy articles of this category unless they are available at prices now within their reach. That, I take it, is the inevitable result. In that case the only result can be that they will be deprived of the use of these articles unless, of course, our own indigenous industries such as exist are able to lower their own prices. But that is not the object of this Bill. The object of this Bill indeed is to raise the prices higher, and in some cases by a very large percentage indeed, than what prevails at present and what is within the reach of the agricultural population which means about 75 or 80 per cent. of the population of the entire country. Now, Sir, it is very doubtful that even the people who manufacture these articles will really be able to help their own industries by

this measure. This is, again, one of the matters which has to be very carefully examined in the Select Committee. There will be no difficulty, I take it, in this House for the Bill to be taken to the Select Committee, and it is in the Select Committee that many important questions that arise have to be carefully examined. So far as raising the prices is concerned, I do not think that alone will be of any benefit to the country. Raising the prices of certain articles is undoubtedly a measure of protection against foreign competition. If you look at it from that point of view,—and that is really the point of view which, I take it, even the Honourable the Commerce Member has in mind,—then there are many other aspects of the question which have to be investigated with a great deal of care. I am not satisfied that there was any good reason why the Tariff Board, which has been instituted for this very purpose, should not have been asked to inquire into the matter and place before the country and this House the results of their investigation.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): They have inquired into it, but the report has not been published though repeatedly asked for in this House.

Sir Abdur Rahim: I was not aware of that and I stand corrected: I take it that is the fact

The Honourable Sir Joseph Bhore: What did my Honourable friend say?

Mr. S. C. Mitra: Has not the Tariff Board also inquired about the hosiery industry in their general report on textiles?

The Honourable Sir Joseph Bhore: Yes.

Sir Abdur Rahim: I am not only thinking of the hosiery industry, but of all the articles that are in this Bill

The Honourable Sir Joseph Bhore: I do not want to interrupt my Honourable friend; but I would like to make an explanation which might to some extent remove his difficulties or at any rate reduce them. Had the case of these 30 or 40 industries been remitted to the Tariff Board, I am afraid that action would have been delayed possibly for two or three years; but the case of each industry was examined by the President of the Tariff Board and the Director General of Statistics, so that we have in the case of each industry, in respect of which we have acted, an authoritative investigation upon which we have based our conclusion.

Dr. Ziauddin Ahmad: Can you lay that before the Assembly?

The Honourable Sir Joseph Bhore: I will be able to supply my Honourable friend with all the relevant figures that they gathered during the course of their investigation.

Mr. N. M. Joshi: Do I understand that these figures will be made available to all the Members or only to Dr. Ziauddin Ahmad?

The Honourable Sir Joseph Bhore: Certainly all the information which the Select Committee requires will be placed before it.

Mr. D. K. Lahiri Chaudhury: How will it be possible to supply it within a week to the Select Committee?

The Honourable Sir Joseph Bhoré: I will do my very best, as we deal with each item, to supply the relevant figures.

Mr. N. M. Joshi: Do I understand the Honourable Member correctly that he will supply the information only to the members of the Select Committee or to all the Members of the Legislature?

The Honourable Sir Joseph Bhoré: It is a little difficult to supply all the information that may be given in reply to requests of members of the Select Committee, afterwards in the form of a memorandum to the whole House.

Sir Abdur Rahim: I understand, therefore, whatever the nature of the investigation has been, that there has not been the sort of investigation which the Tariff Board would make. There has been some investigation, I understand, by the President of the Tariff Board and some official of the Government of India which is—and I should like to be corrected if my impression is wrong—merely this, that there has been a collection of certain figures: I do not know whether the persons interested in these industries have been examined and whether the question has been approached from the view point whether the industries concerned would have a fair chance of establishing themselves within a reasonable time if these duties are imposed

The Honourable Sir Joseph Bhoré: May I also supply information on that point to the Honourable the Leader of the Opposition? I think I made it clear on the first day on which I spoke that, after a preliminary investigation, a very exhaustive questionnaire was drawn up: this questionnaire was circulated to every industry that had applied for safeguarding under the Act and to every Chamber of Commerce; and they were given every opportunity of establishing their case before these two gentlemen who were preparing and collecting the figures.

Sir Abdur Rahim: I have had some experience of questionnaires and questions. But mere questions and questionnaires and their answer on paper do not carry things very far. The matter has to be probed after the answers have been given very carefully. You have got to test the figures to see how far they are correct. For instance, as regards each of these industries you will have to find out whether, as a matter of fact, since 1930 or 1931, their production has declined or their sales have declined, whether the dividends of the manufacturers also have declined and it can be found from the records of income-tax to what extent they have in fact been affected. I wonder if any investigation of that character was made, because that is the real question before this House. We cannot agree to any measure which does not seek effectively to protect certain indigenous promising industries. That is the policy to which we are committed. We are not committed to any policy of giving doles to certain industries, because they are clamorous or clamant. I have been feeling very uneasy for some time because of the petitions that come so frequently before the Assembly or the Government for doles to industries. If we go on at this rate, the Government of India will find that its exchequer will soon be depleted. I want effective protection for industries which have a chance to live and

grow. Has any inquiry been made with that object, in view? At any rate, I take it, the members of the Select Committee will have to satisfy themselves whether by imposing these duties and by raising to a much higher level the prices of these commodities we are really going to help these industries to establish themselves and thereby ultimately benefit the country. So far we have had no information on that point and I do not think the Honourable the Commerce Member attempted to satisfy the House that, if we allowed this Bill to pass, then in that case these industries will be safeguarded and they will have a fair chance of establishing themselves. If that be proved, I for one will give every support to the measure. This measure, therefore, has to be examined in the Select Committee from that point of view, because that is the essential and real point for consideration.

Mr. S. C. Mitra: That is not the Government's case.

An Honourable Member: That cannot be done in seven days.

Sir Abdur Rahim: If that is not so, merely putting money into the pockets of a certain number of individuals is not our concern. If you raise the prices of these goods, surely there are other classes of goods as well which are entitled to protection. Take the agricultural products of the country upon which millions of people have to subsist: why not raise the prices of these? Can you devise any measure by which you can raise the prices of the agricultural products of the country which is really the life-blood of this country? If you cannot do that, I should strongly object on behalf of the public whom I represent to any measure by which money is to be put into the pockets of certain individuals or companies.

An Honourable Member: The Millowners' Association!

Sir Abdur Rahim: I do not care whether it is the Millowners' Association or the Hosiery Association or any other association. We have here a very long list of articles which are going to be subsidised. Even earthen pots have been included. It begins with fish oil, then sugar-candy, heavy chemicals, cotton hosiery, glass globes and chimneys for lamps and lanterns, paints, colours and painter's materials, enamelled iron-ware, electrical earthenware and porcelain, domestic earthenware, cups, saucers, tea-pots, sugar-bowls, jugs, plates, lead pencils, parasols and sun-shades and fittings for umbrellas, tiles of earthenware and porcelain, and ends with woollen hosiery, woollen piecegoods and woollen mixtures. The range is very wide indeed, and if you are going to raise the prices of these articles which are of common use by the poorer people, then I do not see how you can say that this Bill is going to benefit the country. The people who use articles of this class are in very straitened circumstances at present, and I should have thought that merely to raise the price level of these articles is not the measure that is wanted. I do not know whether this Government have also been affected by the campaign that is now going on against Japan, but I for one am a great admirer of Japan. It is a nation that within living memory has been able to establish itself as a world power. Its efficiency cannot be doubted. It is not by mere manipulation of her currency that Japan has been able to capture a large portion of the world's market in all classes of commodities. Even in England, people are crying that they cannot stand against the Japanese competition. Their goods are finding their way everywhere. If that were not so, why should we adopt any measure like this? I know a great deal of feeling has been aroused among all nations by what is going on in the matter of tariffs, but nobody has yet been able to solve the position. From the newspapers it appears that

[Sir A'jour Rahim.]

in England at present a bitter campaign is going on. Are we going to take part in that? We are not masters of our own foreign relations, but why should we willingly allow ourselves to be dragged into it? I should strongly protest against India being dragged into a controversy of that sort. We are entitled to take any measures for the protection of our industries for the benefit of our own country, and whether any such measure hits Japan or England, or whether it hits Italy or Germany, makes no difference to us. That is our position, and it is not our position that, because Japan has proved her efficiency and is capturing a very large portion of the markets of the world, we should enter into a campaign against Japan. I know that is not the object of the Honourable the Commerce Member; I am absolutely sure of that. But what will be the position? Unless you can prove satisfactorily to the public of this country and to this House that the measure which you are advocating is going to enable certain industries to establish themselves on a firm footing, unless you can succeed in doing that, I for one, and I am sure many Members of this House, would resist putting money into the pockets of certain individuals, because they are clamorous. Sir, I do not want to stand in the way of this Bill going to a Select Committee, but I again wish to impress upon the Commerce Member and the Government of India that the Bill raises issues of a very difficult nature, of a very complicated nature, economic as well as political, and they should give their best thought before they pass it. It may be possible to pass any measure through this House, but the ultimate responsibility will lie on Sir Joseph Bhore, Sir George Schuster and Sir Brojendra Mitter, and not on us, for any measure that is passed, and they have to see whether the measure they are trying to pass will really benefit the country. Sir, as I have said, our object is to see whether this particular Bill is going to benefit our country. Our object is not to injure the interests of any other country or to advance the interest of any other country. We must do our best for our country, and let others take care of themselves.

Mr. President (The Honourable Sir Shanmukham Chetty): Today being Friday, we have to adjourn now, but before we do so I would like to make an announcement. This morning I had summoned the Leaders of various Parties to my room so that I might discuss with them what measures we might usefully take to collect money for the Viceroy's Earthquake Relief Fund, and it was suggested to me by the gentlemen who assembled in my room this morning that we might have a meeting of the Members of the Legislative Assembly and discuss this question so that some concerted action might be adopted with a view to collecting the money. For this purpose I would invite all Honourable Members to assemble at a meeting here in this Chamber this afternoon after the House rises. I propose to adjourn the House this afternoon at 4 o'clock so that we might have this meeting at 10 minutes past 4 in this Chamber. The House now stands adjourned till 2 o'clock.

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. M. Joshi: Mr. President, I do not wish to speak on the merits of the various proposals made by the Government of India in this Bill. I

am not interested in any of these particular industries. I do not wish also to speak on the general policy of safeguarding industries as I am likely to have another opportunity of speaking before the House on various questions which I could have raised on this Bill, and I could then discuss those points with your indulgence at greater length. I shall, therefore, content myself by raising one small point of great importance. When last year we discussed the Bill for safeguarding industries, I raised the point that Government should not only be content with making an enquiry into the applications which might be sent by various industries, but that they should place before this House a report giving facts regarding those industries and pointing out the necessity and the desirability of giving them protection. This is what I said on that occasion:

"I, therefore, suggest to Government that it is not enough that they should make an enquiry, but they should publish a report on the enquiry which they would make so that the House will be able to judge the facts which the report will bring out."

The Honourable the Commerce Member may say that in all these matters we should trust the Government. May I very humbly tell the Commerce Member that even he will agree that the House trusts him too much. Only yesterday he made a proposition that, constitutionally speaking, India has no status to sign international agreements in spite of the broad fact blazoned forth all over the world that India is a member of the League of Nations and India had signed the Treaty of Versailles. He got the House to agree with him in that statement and I am quite sure that if the Commerce Member and the Government of India tomorrow ask this House to agree to a proposition that the sun does not rise in India, they will get a majority for such a proposition. (Laughter.) It is not, therefore, a question of the House not trusting the Government of India. My suggestion to Government is this that, in the interests of the country as a whole, in the interests of all sections of the population in this country, it is necessary not only that there should be an enquiry, but there should be a full knowledge to all the people in the country as to the facts of the different industries which are going to be protected. The one small protection which the people have against an insensate policy of any Government or against the demands of the employers and the industrialists is the publicity of the facts of the situation. Unfortunately in India the Government of India do not believe in publicity. I am at a loss to understand why the Government of India should be afraid of publishing facts. If they say that they are not afraid of publishing facts, I want to know why they do not. Is it the question of expenditure? If it is, let them remember, Mr. President, that these duties will give them more than enough money. These duties are not going to be levied for securing revenue for the State. If your object had been to get revenue, then you could say that you do not want to spare even a small sum like this out of the revenue which you are likely to get out of the duties. You are not going to levy these duties for the sake of revenue. Then, when you are going to levy these duties and you are likely to get a fairly large sum of money, why should you hesitate to spend a little money in publishing facts? You yourself admit that you have collected facts. You yourself admit that the President of the Tariff Board and your Director of Statistics have gone into the facts and you are convinced that there is a good case. Then, why should you not publish those facts? Is it not necessary that we should know what the present position of the industry

[Mr. N. M. Joshi.]

which is going to be protected is,—what is the amount of capital invested, how many people are working in those factories, what wages are paid to the workers in those factories, what is the cost of production? Surely nothing will be lost if the House as a whole and the public generally get facts on these points. I, therefore, suggest to Government that they should not ask us to trust them in these matters. I am not suggesting that we do not trust them. We trust the Government, and, as I have pointed out, we trust the Government too much. But it is necessary that, when you are levying these heavy duties, people should know the facts. My Honourable friend, Mr. Ghuznavi, pointed out that certain industries were not developed in India. I do not know the facts. He mentioned one pottery industry and we were given the example of one factory. If there is only one factory—I again state I do not know the facts—if there is only one factory, is it a right method to protect that factory by means of raising the prices of the articles for the whole of the country? Surely it is not the right method. Let us, therefore, know what the facts are, and I hope the Government of India do not see any advantage in concealing facts. On the contrary, they should see that there is great advantage in giving publicity to the full facts of the situation. I hope the Government of India will accept my proposal.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I am second to none in my desire to see the encouragement of the indigenous industries of our country; in fact, our great complaint against the Government has been that the industries of the country have not been sufficiently encouraged. It is really surprising that in a huge country like India the indigenous industries of the country are so poor and meagre. All our motor cars, all our printing presses, all our typewriters, all our big machineries,—not only our big machineries, but even our watches and spectacles and even the needle with which a poor Indian woman sews her tattered clothes are imported from foreign countries. I would like to know from the Honourable Member for Industries what he has done, during the last two or three years of his régime, to encourage these industries. The Honourable Member for Industries is the first Indian, and a nationalist Indian too, to hold the portfolio of Industries in the Government of India.

The Honourable Sir Frank Noyce (Member for Industries and Labour): I am afraid the Honourable Member is mixing up Sir Joseph Bhore and myself.

Sir Muhammad Yakub: I beg your pardon, I mean the Commerce Member. The portfolios of Commerce and Industries are so intermingled with each other that my remarks apply equally to both the Honourable Members.

Mr. B. Das: Dr Jekyll and Mr. Hyde!

Sir Muhammad Yakub: When an Indian was called upon to hold the portfolio of this important Department, high hopes were entertained that he would give a lead to this country and that, during his régime, we would find the commerce of India flourishing more than before. But, unfortunately, we find that during the last two years no fresh avenues have been explored to expand the commerce of the country. Thousands of young people of this country are turned out from the graduate manufacturing factories, like quinine pills, and we find that there are no avenues

in the country to keep them employed, with the result that dissatisfaction among the educated classes in the country is growing every day. I would ask the Honourable the Commerce Member what he has done to give employment to these people. Will these tariff measures of protection solve the great problem of our commerce? Certainly not. I am also aware of the great hardship under which the country is labouring on account of the competition with Japan, and other countries on the continent. I am no friend of Japan, or of any other foreign country, and certainly I would be the first to help the Government in passing any measures which would help the commerce or the indigenous industries of India in competition with foreign countries, but we have to see what is the real object of this measure. What is the reason why these duties are imposed? The real object of such measures, so far as I can understand it, is to help the trading and commercial community of the country. Now, let us examine if the measure now before the House would really, in any way, help the trading and commercial community of the country. I do not want to reiterate and recapitulate the facts and details which have already been placed before the House by the Honourable Members who have preceded me. My Honourable friend, Mr. Ghuznavi, and others have shown to the satisfaction of the House that the prices of the commodities which would be affected by the present enactment would rise to such a high level that they would become unsaleable in India. I would like to ask the Commerce Member what measures he has taken to safeguard the interests of those merchants who have made large commitments and who have got their contracts made. I would like to know how is the Commerce Member going to save from ruin the very large section of the commercial community in this country who are trading in hosiery and other articles which will be affected by this measure. In 1931, when the "Wheat Import Duty Bill" was before this House, I raised the same question and I asked the then Commerce Member in the following language. I said:

"I want to draw the attention of the Government through you, Sir to the fact that in their last Budget they have increased the Customs duty on several articles, for instance, on sugar, kerosene oil and other things and there must have been some merchants who entered into contracts before the Finance Bill was introduced and passed. Now, what conditions have they imposed to respect contracts with regard to those commodities, namely, sugar and other things?"

The answer which I received on behalf of the Government from Sir George Rainy was as follows:

"My Honourable friend, Maulvi Muhammad Yakub, asked what was the reason that we have followed a different procedure in the case of wheat, from what we usually follow in the case of protective duties and the duties imposed by the Finance Bill. These are perfectly relevant questions, but the answer is given in the Statement of Objects and Reasons and I tried to give it again when I was speaking this morning. The point really is this, that in ordinary cases when a duty is imposed, the price of the article goes up, and the merchant who has to pay the extra duty is able to get it back from his customers. In this case, owing to the large surplus of wheat in Northern India, we anticipated, and the facts have proved us to be correct, that the imposition of the duty would not be followed by higher prices and, consequently, the mills, which have placed orders ahead for wheat abroad, would not be able to recoup themselves by charging a higher price."

Now, Sir, that is exactly the case as regards the present measure. It has been shown that the prices of these articles which would be affected by the new duty would be increased so much that they would become four or five or even six times their present prices and these articles would become unsaleable. What would be the fate of the merchant community

[Sir Muhammad Yakub.]

and those traders in the country who have invested their meagre money in this trade and who have made large commitments or have entered into contracts, considering that there will not be such an upheaval in the trade which they are carrying on. I do not want to come in the way of this Bill going to the Select Committee, but certainly I would like an undertaking from the Honourable the Commerce Member that the cases of the poor Indians, who are trading in these articles, will be carefully considered and that they will not be thrown into the ditch of ruin by imposing these duties all of a sudden.

Mr. S. C. Mitra: Sir, when the Honourable the Commerce Member moved for reference of this Bill to the Select Committee, I for one thought that there would be no dissentient voice as regards this question. It was really on account of an insistent demand from the industries of the country supported by us on the floor of this House that the Government were good enough to bring forward such a legislation. As regards the principle of this Bill, namely, safeguarding the indigenous industries against unfair competition, due mainly to depreciation of foreign currencies and other kindred matters, it is one which is accepted by everybody in this House. I can understand the view-point of my friend, Mr. Maswood Ahmad, who spoke from the standpoint of the consumers. I think we on this side of the House also agree that, so far as it is not in any way antagonistic to the interests of the indigenous industries, the consumers' interests should be safeguarded. It should be the duty of the Select Committee to go through this Bill thoroughly to scrutinise the point that consumers should not be subjected to any extra taxation in these very hard times, if they can be spared; but as regards the other suggestion of my friend for circulation of the Bill, I hope that on further consideration he himself will agree that if that is accepted, then the main purpose of the Bill will be frustrated, as has been explained by my friend, Mr. Ranga Iyer, that after sixty days, since the imposition of this tax from the 22nd of December, 1933, this law, even if passed into law, cannot have any retrospective effect and the amount of tax realised will have to be refunded. So I hope my friend, Mr. Maswood Ahmad, will not press his motion. My friend, the Honourable Mr. Das, very rightly urged that we should have been supplied with information in some detail about the Japanese trade treaty, as I find, referring to His Excellency Mr. Sawada's speech, it is mentioned that in that treaty some of these matters were also discussed. I quote His Excellency's own words, when he spoke for the Japanese Delegation:

"I am happy to state that an agreement of views has been reached between the Japanese and Indian Delegations on all important problems relative to the commercial relations between Japan and India, including (1) the most favoured nation treatment to be accorded reciprocally to the goods of the two countries;

(2) the negotiations to be held concerning modification of customs duties that may adversely affect the trade interests of the two countries;

(3) the measure to be taken to correct the effects of the exchange fluctuations;" etc., etc.

So I think Mr. Das's contention, that it is very relevant and necessary for this House to get some information about the details of the negotiations and the agreements reached between the Japanese Delegation and the Government of India, is quite correct. Here I must make a grievance on the further ground about the non-publication of the Tariff Board's Report. I think it is admitted that the Tariff Board's Report which was submitted to the Government of India months ago is a very essential and relevant

matter which should be known to the Members of this House before they can be expected to arrive at any correct conclusion. Sir, I do not understand why, in spite of the question of non-publication of the report being brought up here, times without number, this particular report is not being published. I do not know with what purpose it has been suppressed although it is lying with the Government of India for several months, and as the recommendations of the Tariff Board are not binding on the Government of India. The Government of India have to pass their judgment and to accept the recommendations as they like and we the Members of this House are as much entitled to our own judgment in criticising those reports. Sir, I cannot understand why it should be the special privilege of the Government for months to keep these reports to themselves and thus deprive this House in spite of insistent demands for those reports at the proper time.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan): It will be published two days before!

Mr. S. C. Mitra: My friend says it will be published two days before, but my complaint is that even today when we are discussing this important matter dealing with some of these items, I am not getting it. The complaint has been repeated by others also that we are much handicapped for not getting a copy of the Tariff Board's Report. Another point I would like to place before you, Mr. President, is that in Select Committees we usually do not get proper time to discuss these matters. Here I draw your particular attention, Sir, to the fact that it has become almost a fashion to hustle through all these matters in Select Committee. You know, Sir, that in this House, Government command a majority and they can carry measures just as they like. It is only in a Select Committee that we can get some chance of appealing to them and cajoling them and arguing with them on the merits of our case. I make no complaint against the Chairman who is as much anxious to give us all facilities, but where is the time? I remember on the last occasion there was an attempt for the Committee to sit on gazetted holidays, though you gave a ruling in this House that on gazetted holidays we should not sit. But it appears that Select Committees are immune from your ruling. Even in this case on the next Saturday there is one Select Committee sitting in the morning and another in the afternoon. So even on Saturdays we are to meet and do not get any half holidays. We do not ask for these holidays like school children, but the fact is that, as you are the custodian of the rights and privileges of this House, I submit that if we have to prepare ourselves for our work as Members of this august Assembly, we require some time to prepare ourselves to discharge our duties properly. If we are to sit even on gazetted holidays, can we not rightly complain to you that the Select Committee procedure should not be hustled? I fully appreciate the difficulty of the Honourable the Commerce Member that this Bill must be passed before the 21st of February, but even then a week's time would be quite insufficient, because there will be other Select Committees on Saturdays and we will be working all the days, and seven days hence the report must be submitted by Friday, thus giving us no time to do proper justice to the Bill.

My Leader, Sir Abdur Rahim, made it absolutely clear, that, so far as the principle of this Bill goes, we are all for this Bill. We are most anxious to protect our industries, particularly when they are on an unequal footing being faced with unequal competition, not only in respect of efficiency, but

[Mr. S. C. Mitra.]

in respect of the depreciation of foreign currencies. In these matters we are to balance the interests of the indigenous industries on the one side, and on the other hand we should scrupulously see that the consumers, who are by now mostly on their last legs, are not subjected to undue hardship; and since, the only great industry of India, agriculture, is suffering so much at the present moment, the agriculturists not getting even 30 per cent. of their former prices of produce, we should particularly see that we do not unnecessarily and in the least put any heavy avoidable imposition on the consumers. I think there is perfect agreement with regard to the principles of this Bill, but the duty of the Select Committee is very heavy, because they have to see that, in matters where there is no prospect of Indian industries competing with foreigners, we should not unnecessarily tax the consumers. If a clear case is proved, India having already accepted the principle of discriminating protection, we should give all the protection necessary to preserve our industries. I know there has been a strenuous demand from indigenous industries throughout India for proper duties to be imposed, and that they do not think that these little duties that have been imposed by this Bill will help them much. Sir, I can quote a number of telegrams which I have received. I will read a few:

One is from Faiz Hoossain of Muslim Shareholders of Parzoar Hosiery Mills, Limited:

"Howrah support strongly new duties though inadequate on imported hosiery and pray for adequate protection."

Another telegram is from Khetrāmohan Dey, President, Dacca Button Dealers Association, Calcutta:

"Dacca Button Dealers Association strongly support adequate protection to Indian hosiery as the industry provides employment to large number of pearl button manufacturers, male and female, of Bengal."

Another telegram is from Qamardin, President, Calcutta Cardboard Box Manufacturers Association, Calcutta:

"Calcutta Cardboard Box Manufacturers Association strongly support new duties on imported hosiery."

Another telegram is from Secretary, Calcutta Hosiery Dealers Association:

"Calcutta Hosiery Dealers Association support imposition of new duties on imported hosiery and submit no hardship occasioned thereby to the consumers as well as dealers as largest portion of profit from Japanese imports appropriated by importers numbering barely half a dozen."

Mr. J. Ramsay Scott: Who is the last telegram from?

Mr. S. C. Mitra: It is from the Secretary of the Calcutta Hosiery Dealers Association, 95/1 Old China Bazar Street.

Sir, we want to make our position clear. We are very much thankful to the Honourable the Commerce Member for bringing forward this Bill. We do not in the least complain that we do not want to safeguard our industries, but, at the same time, what we want is that proper attention should be paid in the Select Committee to see that we do not unnecessarily penalise anybody, least of all our consumers if we can help it. With these few words, I support the motion.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, I entirely agree that this Bill should be sent on to the Select Committee. My fear was aroused only when I heard Mr. Mody supporting this measure and then I thought that there must be something very wrong in it. It is to clear that misapprehension that I have stood up on my legs and to put before you the interests of the class to which I have the honour to belong and to which at present I have the misfortune to belong, because this depression has affected me to an extent which is absolutely unimaginable to those who do not belong to the agricultural avocation.

Mr. H. P. Mody: What about your new Rolls Royce?

Raja Bahadur G. Krishnamachariar: Rolls Royces come and go, but agriculture remains and remains for ever. All these little amenities of the hour pass away directly I go out of the Assembly, but my lands are there and I am there and the Government is there to make the demand. My friend, Mr. Mody, may take satisfaction from the fact that while my pocket is slowly getting on to my stomach, so that you do not know where the pocket is, my friend is bulging out. That is the reason why I was a little bit suspicious when he praised this Bill and when he said that he was glad that the Government had brought it forward. Sir, I would simply repeat what my Honourable friend, Sir Abdur Rahim, has said and I may say at once that I entirely agree with his observations regarding the standpoint on which this Bill should be viewed. There is no doubt that the immediate effect of this Bill would be to place some money into the pockets of persons who spend all this money and send telegrams to my friend, Mr. Mitra, and others. But I am not at all jealous. By all means let them make as much money as they possibly can. All that I want is: please do not do it at my expense. I am the consumer and I do not want to pay more than what is absolutely necessary for me to do. I know that the Japanese goods are very flimsy; I have a great deal of experience of them. There are matches which are only made to sell. There are hosieries which are also only made to sell. You put on a sock once, and when you take it out, there are four holes in it. That is not at all a good bargain for the consumer. But what I do say is this. Do by all means protect these people although they do not come within the rule laid down by the Indian Fiscal Commission for the grant of substantive protection and yet they have been subjected to a competition of an exceptional nature. In trying to help them, however, please do not allow my interests to be neglected. Please remember that I form the largest proportion of the population of India and I contribute a great deal to the revenue, both of the Imperial and of the Local Government, I have no grievance against them; by all means give them protection. In fact, I want as many of them as are possible to come into existence. But what I do submit is that self-interest is the first thing and I do not want that these gentlemen should gain at my expense and I am perfectly sure that even they themselves will not want that they should be fed at my expense. Let them ask and let them get a fair proportion, but the standpoint by which this Bill would be judged by the Assembly and by the outside public when it comes out of the Select Committee will be this: Did the Government help the manufacturer at the expense of the agricultural community or did it deal fairly with both these classes, because both these classes are of great importance to the Government. I would, therefore, submit that apart from any consideration of Japan, apart from any consideration of England and apart from the consideration of any other country from which these articles may come, I want that the criterion that

[Raja Bahadur G. Krishnamachariar.]

I have just submitted should be the only criterion upon which the good or bad results of this Bill should be judged. I said that I had no objection to this Bill going to the Select Committee, but I have a great grievance of the Select Committee. I never had the honour of serving upon these Select Committees as I was never able to do this extra work for reasons of health. But after hearing what happens there, I am glad that I was not able to serve on these Committees. They sit on Sundays and on holidays, but I do not mind that so much. What I do mind is that the members of the Select Committees do not get the material. My friend, the Doctor, who is never happy except when he gets bundles of materials which he can work up and ask for a black board to show the result to this Assembly, has been hammering at the Government Benches for these reports and they are not even here today. Evidently there has been some sort of an inquiry by the President of the Tariff Board and by some gentleman who is connected with the Commercial Intelligence Department. These gentlemen have submitted a report. Is that report sacrosanct? My Honourable friend, Sir Joseph Bhore, said that he would supply the members of the Select Committee with relevant figures. But who is to decide what are relevant figures? I have no doubt that my Honourable friend judges things with extreme fairness, but, then, as long as he has not become infallible, we cannot accept his opinion. He is liable to make mistakes, Judges of the High Court make mistakes, Their Lordships of the Privy Council make mistakes, and, as a cynic once observed, what they say is law, because there is no appeal against them. I know, Sir, that my Honourable friend, Sir Joseph Bhore, has brought great credit to India. I know the quiet, nice and persuasive way in which he puts his case so that you may think it is all innocent and nothing else. But, Sir, even he will allow a little bit of opportunity to us to judge for ourselves which is relevant and which is not relevant and what is the cumulative effect of the relevant and the irrelevant portions of the report. The question is whether he would be able to justify this action being taken apart from the interests of the agriculturists themselves. These records are not private and secret documents; they were intended for our use in the Assembly. So I submit that the whole of the report should be made available to the members of the Select Committee and not only those portions which the Government of India may think to be relevant. I suppose the other gentleman, who is an officer of the Government of India, knew even better than the President of the Tariff Board, because the officials are infallible. They are always in the right and we are always in the wrong. So, we do not want to waste their time by finding out the relevant portions of the report and thereby also waste so much stationery because, I take it, they are all being printed. So, irrespective of the question whether these things are relevant or not, I would appeal to the Honourable the Commerce Member to place at our disposal all the materials and in the Select Committee not to hustle our friends. The difficulty is this and I was confronted with it and I protested against it with all the strength at my command that when once you go to the Select Committee, the extraordinary doctrine is enunciated and this was the case during the discussion on the Reserve Bank Bill that, the Select Committee being the Agent of the House, whatever they say we have got to agree to them. It is better for all of us to walk out after once appointing a Select Committee. According to the testimony of my Honourable friend, Mr. Mitra, the Select Committee is hustled in its work and so it gets disgusted and says: "All right, you take what you like". Of course it is well known when a man is hustled time and again over a work, he has no heart in

it and says to these gentlemen who want to get the work through: "You take whatever you want". We all know how the Select Committee is forced to agree to the proposals made by Government by adopting this attitude. In view of that danger and in view of the fact that a heavy responsibility lies upon the members of the Select Committee, I appeal to Government that they should supply all the materials to the Select Committee and give them adequate time. We have not got all the resources that the Government of India with all their highly paid staff has got. My friend, Mr. Mitra, and myself have not got the staff. We do not understand these things. As mentioned by my Honourable friend, Sir Abdur Rahim, this is a most difficult and complicated problem and we, not having been trained to this sort of thing from the beginning of our lives, have got to make it up at any time. We have not got a trained and experienced and efficient staff behind us to put us in the way where we go wrong. Consequently my friends in the Select Committee will take a certain amount of time and so all the materials which the Government have in their possession must be placed at the disposal of the Select Committee if they are to come to a proper conclusion. I have no doubt that the Honourable the Commerce Member, with his great tact and judgment, is bound to come to the right conclusion and, if he errs at all, I hope it will be on the side of the people and not on the side of the Government assuming that the interests of the people come in conflict with the interests of the Government. I hope he will have a soft corner for the people from whom he always takes money on one occasion and another—if not he, some other Member of Government.

Lastly, I would join with my friend, Mr. Mitra, in his complaint. I find that the hosiery industry has been dealt with by the Tariff Board and for some consideration or for some reason, which has not been made fully apparent to us, except these four lines in the Statement of Objects and Reasons attached to the Bill, the Government are now trying to impose a burden upon the consumers of the product of this industry. Government may be perfectly right. But I do not know and I have got no materials before me to say whether the Government are right or not. Unless all the evidence is placed before us, I cannot say anything. As is evident from the extract read by Mr. Mitra, the Government had a discussion about this in the conversations which they had with the Japanese Delegation. If any portion of this discussion or if the Tariff Board Report, which is the convenient official formula, would be against public interests to be made available to the members of the public, by all means do not do it. But it is an extraordinary position that the Tariff Board is appointed to go into the question and make a report. I, a member of the public, am not entitled to see the report. Why, because it is against my interest. All the same I have got to pay. It is all right if those gentlemen, who keep the document away from us, are called upon to pay and I be allowed to go scot-free. I would not mind that. But they are keeping back a report which they say it is against public interest to divulge. As it happens in a Court of justice, the judge makes a mistake and the party has got to bear the cost. So these gentlemen keep back the papers and would not allow us to come to the right conclusion upon the materials available with the Government. Who is to bear the burden? It is I. Consequently I would appeal to my Honourable friend, the Commerce Member, that these papers should be made available in full, not only to the members of the Select Committee, but also to the House, because when the Government go about asking this House to agree to a proposal, there is no reason why all the materials should not be placed before the House. The Government

[Raja Bahadur G. Krishnamachariar.]

come to this House and ask for its support. I say that you have got to place before the House all the materials in original and not in a mutilated form,—I am not using this in an offensive manner,—and not any abstract of the documents which the Government consider relevant but which we may not consider relevant. The Government might for aught I know consider a document as irrelevant and may not place the same before the House, but we may consider the same as relevant if we are to come to the proper conclusion. With these words, I commend this Bill not to the Select Committee, but to the tender mercy of my Honourable friend, Sir Joseph Blore, and those officials who may sit with him, in order to help us to come to a real, just and impartial conclusion upon the most difficult and complicated issue involved in the Bill.

Mr. S. C. Sen: The motion of the Government is that the Bill be referred to a Select Committee though there is an amendment by Mr. Maswood Ahmad that it be circulated. But, so far as I can see, the majority of opinion is for sending the Bill to the Select Committee. Under the circumstances, it is not necessary for me to speak at any length upon the merits or the demerits of the Bill. There are only a few points upon which I may be permitted to say something. Mr. Ghuznavi in his speech said that the hosiery industry was not a growing industry and that it could not supply the needs of India and therefore, it was not necessary to have any protective duty or any duty against Japanese goods for protecting the industry. Probably Mr. Ghuznavi has forgotten his younger days when he was the proprietor of a Swadeshi Stores in Calcutta. If he remembers, he will know that one of the commodities sold in his stores was hosiery prepared by the people of Bengal. Probably he has forgotten that at that time hosiery was considered as one of the cottage industries in Bengal. But for the Japanese competition that industry would have been a household industry in Bengal. My Honourable friend, Sir Abdur Rahim, was not then in Bengal and so he is not competent to say anything about the matter. So far as the industry is concerned, my Honourable friend, Mr. Ghuznavi, considers that it can supply only 23 per cent. of the needs of the country.

Mr. A. H. Ghuznavi: That is not my statement. It is the statement made by Government.

Mr. S. C. Sen: At any rate my Honourable friend quoted it with approval. In my opinion the Government statement is an under estimate. The Government have taken into consideration only 45 or 50 factories. As a matter of fact, they have not taken into consideration the cottage industries of the country, namely, how many machines in India at the present moment, specially in Bengal, there are which are prepared to manufacture hosiery if circumstances are beneficial to them. There are about 600 factories in India which are prepared to manufacture and which used to manufacture hosiery in India and they are all controlled by power. The Government have not in their possession any report as regards all the factories which manufacture goods with power and they have got very meagre information about the matter. So far as hosiery trade is concerned, I may say that hosiery manufacturers in this country can, if this Bill is passed within three months, supply over 60 per cent. of the needs of the country. That is one point. Mr. Ghuznavi has made another point, namely, what about the dealers and importers? What is the number of these dealers and what is the number of these importers? The importers are about five or ten and the dealers may be about 100. That is my experience of

Calcutta, but what about these importers? According to the practice ordinarily known in Calcutta, these importers generally import those goods for others. They are merely agents who import the goods; and if they are importers, they are amply protected by the Indian Tariff Act under which sellers can get this duty from the purchasers. Moreover, the controversy about the protection against Japanese competition came to its height more than 18 months ago and any prudent importer would have provided himself against any new duty by some provision in the agreement. With these words, I support the motion for a Select Committee.

Mr. Amar Nath Dutt: Sir, I rise to offer a qualified support to the motion before the House. I use the word "qualified" advisedly, for in the first place I must say that in spite of the lapse of three decades when the doctrine of free trade began to be assailed by protectionists like Joseph Chamberlain, I have not ceased to be a free trader even now. Sir, brought up in the school of Fawcett's political economy, I think there are still some like me who stick to the principle of free trade. And what does this free trade mean? I think it will not be wholly irrelevant if I only put my standpoint before this House briefly. Protection means warfare between one country and another, or one nation and another. In this world of ours, I would like to see nations and countries living peacefully for the common good and benefit of each other, instead of antagonising each other by adopting protection. Each one ought to help the other as best as he can. For, after all, when we are all dead and gone, the memory of this strife will remain and will create bitterness among posterity.

Mr. B. Das: You are reminding me of Gladstone.

Mr. Amar Nath Dutt: I do not know; you pay me a high compliment, but perhaps you do not mean it. It seems that my friends over there with their new political creed have a better understanding of these things than I myself have. But apart from that, when we find that in this unfortunate world of ours there has been protection in every country, and each country is trying to save itself from the onrush of goods from other countries and thereby save its labour and also its capitalists, and India has also committed itself to a policy of discriminating protection. I think I have no other alternative but to accept that principle so long as this principle of discriminating protection continues to be the policy of the Government of India. That being so, I think it is our bounden duty to support any measure that offers any help to our industries. But, Sir, I have another complaint. The facts that are mentioned in the Statement of Objects and Reasons of the Bill are, "a competition of an exceptional nature which has proved a menace to their continued existence". Sir, we have to take this as a state of affairs which is correct. I would have much more liked to have materials before me to enable me to come to an independent conclusion about this matter. It may be that my judgment would have differed from the judgment of others, but at the same time if you ask me to vote for a certain measure, if you ask me to do a certain thing on certain grounds, it is but fair that you should let me know what the grounds are and on what facts those conclusions are based. Sir, it is somewhat of a problem that we have been asked to solve and I think no one in this House is better fitted to solve problems than my Honourable friend, Dr. Ziauddin Ahmad, the great mathematician. We are given certain facts and then we are asked to do something. We have to assume these facts; we have to assume the correctness of the conclusions that are in the Statement of Objects and Reasons

[Mr. Amar Nath Dutt.]

of this Bill. That is too much to ask of us. If we have been brought here to give our views on certain matters, we should have the facts before us before we can give our views. We are not in an examination hall where we are asked to give answers to certain questions. In fact, a boy of 12 years can answer this problem. Given these facts, *i.e.*, an exceptional competition, will you give protection, provided the policy of Government is one of discriminating protection? I think the correct answer, the only answer and the invariable answer which every one would give, be he a layman or an economist or a commercial magnate or even a representative of labour, will be in the affirmative. What was the necessity then of asking us to answer a question which can be answered by a layman and a man in the street? What was the necessity of asking these 144 Members of this Legislature to answer this problem, and a very simple problem? So, Sir, I beg to submit that we should have been supplied with materials to know how far these or any other industries require protection from unfair competition by other countries. This is our grievance and this grievance has been reiterated by more than one speaker. I hope that in future Government will supply us with facts to enable us to come to an independent judgment for ourselves in these matters instead of asking us to rely upon their conclusions. I have the highest respect for the conclusions that might have been arrived at either by the Tariff Board or, for the matter of that, by the Honourable the Commerce Member and his Department. But, at the same time, to err is human and I think even my Honourable friend, the Commerce Member, will not say that he possesses an amount of intelligence which enables him not to come to wrong conclusions at any time. That being so, I submit it would have been better if we had had an opportunity of knowing all these things and, to the best of our ability, offering him our advice and saying whether the conclusions were correct or not. In the circumstances, we have no other alternative left since he says that there is a menace to the continued existence of certain industries in this country and that immediate relief is needed—I think we are obliged to give our qualified support to the Bill going to the Select Committee where, I think, the matters will be thrashed out fully. With these words, I support the motion.

Mr. President (The Honourable Sir Shanmukham Chetty): With regard

to the complaint made by the Honourable Member, Mr. S. C. 3 P.M. Mitra, the Chair thinks there is some point in what he has said.

If the report is to be submitted within one week, it means it ought to come before next Friday, which in its turn means that the Select Committee will have only one day for sitting on this Bill. Therefore, the Chair would have no objection if some Member moves an amendment. The Chair would suggest that the amendment might be that the report should be presented not later than Monday, the 5th February, in which case the Committee would have next Friday and Saturday also.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I move:

“That in the original motion, for the words ‘within one week’ the words ‘not later than the 5th February, 1934’ be substituted.”

It is the experience of all those who have been on Select Committees that they are hustled. But where such important matters are taken to Select Committee, it is not only that we are hustled, but it also happens

that if we happen to discuss matters at great length, then we are told "We have no time; you must somehow decide this question in so many days", and thus the members of the Select Committee, although they may raise a voice of protest, almost always have to succumb to the influences there. Now, Sir, this Tariff Amendment Bill contains about 40 items and these 40 items have perhaps been decided in less than 40 days. Sir Abdur Rahim has told us very lucidly and clearly today what should be the criterion, what should be the ways and means, how we should arrive at conclusions on such important matters as tariff rates. But those principles are generally forgotten when these matters are considered. We have heard the Honourable Sir Joseph Bore the other day saying that his object is not to put protective duties; and certainly if we had known that his object was to put protective duties we might have supported him wholeheartedly. . . .

The Honourable Sir Joseph Bore: I am afraid my Honourable friend is entirely misrepresenting me.

Mr. Muhammad Azhar Ali: So far as I remember, this is what I heard. If it is not a protective duty, and if it is not a revenue duty, then I would like to know what duty it is. That is the question which I put to my Honourable friend, and, if I am wrong, I would like to be corrected. I again ask my Honourable friend, what duty it is. Does he give any name to this duty or is it a nameless duty? If my friend wants that the conditions and the price level of 1930-31 should be restored, by these duties, I do not see any signs of it. The country is bewailing the present condition of price level and, I am sure, that the cultivators and consumers will suffer to a very great extent if these duties are put. The duties will be either *ad valorem* or specific at so much per dozen. If it is the latter, at so much per dozen, then I think it would eliminate cheaper articles but here I find that cheaper articles are not eliminated; as the Leader of the Opposition put it, even earthen ware are included. Our impression on this side is that the only object of this Bill is to eliminate Japanese goods and not British goods. By the Ottawa Pact we have helped the Empire goods: that means that by giving that preference of ten per cent. to the Empire goods, we eliminated the European goods as well. It is not only a question of Japanese goods, and I would like the House to understand that it is simply to help the British goods and nothing else, that this Bill is brought. That is how I read this Bill. There may be people who read otherwise, but my point is this: that if this ten per cent. preference were not given, then the consumers of India would have at least some time and some respite in their present condition of trouble. But I find that by this Tariff Bill we are cutting our own throats and the throats of our countrymen. With these words, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the original motion, for the words 'within one week' the words 'not later than the 5th February, 1934,' be substituted."

The motion was adopted.

The Honourable Sir Joseph Bore: Sir, as there seems to be a very general desire in this House that this measure should proceed to Select Committee, I do not think that I am called upon to make a very elaborate statement in defence of my position or a very elaborate answer to the

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criticisms which have been raised. I must make it quite clear, of course, that I oppose the motion moved by my Honourable friend, Mr. Maswood Ahmad. The measure has been before the country over a month, and I submit that that should be long enough for interested parties on both sides to make their views known not merely to Government but to Honourable Members of this House. Then, also, if this measure were delayed, it could not be taken up before the Simla Session. What does that mean? That means that an opportunity, a very big opportunity, would be given to the importer to flood the markets of the country and to render illusory or nugatory for a very long time to come the ultimate protection that may be given by this Bill. I must, however, congratulate my friend, Mr. Maswood Ahmad, upon the convert he has made, because, if I remember rightly, my friend, Dr. Ziauddin Ahmad, said that he had been converted to the views of Mr. Maswood Ahmad. I am afraid, Sir, however, that the *guru* will find a great deal of trouble in controlling his *chela*.

As regards my friend, Dr. Ziauddin Ahmad, I can only say that he delighted me, as he always delights us, with the perfectly charming inconsistency of his speech. Quite two-thirds of his speech, I think, was concerned with a tirade against protection and the neglect that we had been guilty of in respect of the interests of the consumer. Then, Sir, the remaining part of his speech suddenly took another turn. He turned upon me and said: "Why have you given this totally inadequate protection to sugarcandy? Why have you omitted soft sugar?" Well, Sir, when thinking over it, I came to an explanation of this inconsistency, and the explanation, it seems to me, is this, that my friend must have among his constituents both consumers and producers, and when the consumers come to him and say: "Doctor Sahib, what about your speech in the Assembly",—he will be able to say: "Read the first portion and neglect the second", and when the producers come to him, he will say: "No, no, read the second portion and don't pay any attention to the first". (Laughter.) Now, Sir, my friend did make one important remark to which I think I should reply. He said that protection should not be given for the benefit of millionaires, but for the poor. But may I remind him that is exactly what we are attempting very largely to do in this Bill. If he does not know it, I would point out that a very large proportion of the hosiery industry is a cottage industry or a small scale industry. I have myself seen more than one such small factory in company with more than one Member of this House. Then, Sir, take soap. I think there is no one in this House who does not realise that soap is actually to a large extent a cottage industry. But, Sir, if my friend did not know of those two instances, he surely knows something about sugarcandy, about which he has made so many representations to me in person. That, Sir, is surely a cottage industry, a small scale industry, if ever there was one.

Now, Sir, my friend, the Leader of the Opposition, said that he failed to gather any very clear impression of the object or reason of this measure. I cannot, I am afraid, be more explicit than I have been in my speech in which I commended this motion for a reference to a Select Committee. Perhaps when that speech appears in print, my friend may get a larger measure of light upon the object and the reason of this Bill, but I would ask Honourable Members to take their minds back to the Safeguarding Act which was passed a little less than a year ago in this House. The object of that measure,—and I say it was a measure which

was universally approved by this House,—the object of that measure was to enable Government to act at short notice in defence of industries which were being subjected to abnormal competition under exceptional conditions. It gave the Government power to impose special rates of duty against imports from foreign countries which were for one reason or another able to sell their goods in this country at exceptionally low rates. Well, Sir as I explained before, this measure has precisely the same object. It is really,—I may repeat once again,—it is really very largely intended to secure the restoration of more or less normal competitive conditions. It was with sincere regret that I heard my friend, the Leader of the Opposition, suggest that this measure might possibly have been conceived rather in the interests of Great Britain than of the industries of this country. That suggestion was repeated in more emphatic language by an Honourable Member sitting opposite. Well, Sir, I am quite sure that if my friend had read this measure with any great care, he would have been the first to regard that suggestion as absolutely fantastic. But I will say this that, if that is the general impression of this House, and if it is the general impression outside this House, I am perfectly ready to withdraw this measure

Mr. B. Das: Certainly not

The Honourable Sir Joseph Bore: Now, Sir, the Leader of the Opposition and Mr. Ghuznavi and also my friend, Raja Bahadur Krishnamachariar, made one quite relevant point. They said, "What are you doing—you are raising the price of certain manufactured articles, but what are you doing to raise agricultural prices in this country?" That, Sir, is a very complicated matter indeed, but if you ask me what Government have been doing in this matter, I will give you a reply. I would draw your attention to the Wheat Import Duty Act. The effect of that has definitely been to arrest the fall in prices. I would draw your attention to the fact that we have endeavoured, through our agreement with Japan, to secure a secure market for something like one third of the cotton crop of this country. I would draw your attention to the fact that under the Ottawa Agreement, there have been enormous increases of exports to the United Kingdom in such articles as rice and linseed.

Sir Abdur Rahim: By how much has the price risen, may I know?

The Honourable Sir Joseph Bore: I have not figures with me here, and I should not like to give the Honourable Member a reply which may not be strictly accurate.

Raja Bahadur G. Krishnamachariar: The price of rice has gone up by one anna.

The Honourable Sir Joseph Bore: But at any rate your goods have been sold which otherwise would never have been sold

Then, my friend, Sir Muhammad Yakub, raised another point. He said: "What about exempting those contracts which were entered into before the measure came into force". He quoted a reply given by my honoured predecessor, Sir George Rainy, and I would submit to him that Sir George Rainy's reply is a complete answer to that particular question. But, Sir, I would give the House a further answer. I have

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it on absolutely authoritative information that one single contract which has been placed in Japan and which, I take it, would be affected if we granted such exemption amounted to no less than 1½ million dozen pairs. and I am perfectly certain that if we granted this loophole, we should soon find it increased to such a very large aperture that the whole place would be flooded, and our object for the time being frustrated.

I do not think, Sir, there are many other important points for me to touch upon at this stage. I would like to say that I am quite convinced that my friend, Mr. Ghuznavi's advocacy is perfectly impersonal. I have examined the little vests that we were shown this morning and I am perfectly certain that they would never encircle his generous person (Laughter)

I need only refer now to the question of the Select Committee. I am greatly indebted to my Honourable friend, the Raja Bahadur, for all that he said about me and I can give him and other Members who are concerned in this question, the assurance that, when we come to discuss this matter in the Select Committee, no information that any member of the Select Committee considers relevant and which we are able to produce shall be withheld from them. I do not think I can say anything more

Mr. N. M. Joshi: What about Members?

The Honourable Sir Joseph Bhore: The Members will have to wait until the Select Committee have finished its work

Mr. N. M. Joshi: The Bill will not go through easily.

The Honourable Sir Joseph Bhore: I think that leaves me with very little more to say. I want to make it perfectly clear that Government have no hidebound ideas in this matter. They are open to argument. They wish nothing better than that the scales should be perfectly evenly held as between all the interests in this country and I hope that, as a result of our deliberations in the Select Committee, we shall be able to satisfy the House that the Bill, as it emerges, is a perfectly fair and reasonable measure.

Mr. Muhammad Azhar Ali: What about the Tariff Board report? The Honourable Member has not said anything about that?

The Honourable Sir Joseph Bhore: If my Honourable friend will refer to the many speeches made in Simla last Session, he will find an absolutely complete reply to the question which he has put.

Mr. M. Maswood Ahmad: In view of the reply given by my Honourable friend, I should like to request the House to allow me to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would just like to make one observation. It is extremely difficult for an average Member to understand in detail the effects of a contemplated

tariff change by simply reading the Bill. The Chair is glad that the Honourable the Commerce Member has agreed that in future he would, with every Tariff Bill, supply a statement showing all the articles on which a change in duty is contemplated and also clearly indicating the existing level of duty and the proposed change. If that is done, the Chair thinks a great deal of the time of the House will be saved. The Chair would suggest that when this Bill comes from the Select Committee before this House for further discussion, Honourable Members be supplied with such a copy relating to the items in this Bill.

The Honourable Sir Joseph Bhore: May I say, Mr. President, that I have already had such a statement prepared? I hope it will be in the hands of the Select Committee before the meeting tomorrow. As I said yesterday, I fully realize the difficulties of Members in this matter. I felt the difficulty myself and I shall see to it, to the best of my ability, that this difficulty is not experienced in future.

Mr. President (The Honourable Sir Shanmukham Chetty): The statement may be supplied to all Honourable Members along with the report of the Select Committee.

The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. B. Das, Mr. S. C. Sen, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Mr. R. P. Bagla, Mr. J. Ramsay Scott, Bhai Parmu Nand, Khan Bahadur Haji Wajihuddin, Mr. A. H. Ghuznavi, Dr. F. X. DeSouza, the Honourable Sir Frank Noyce and the Mover, with instructions to report not later than the 5th February, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move.

"That the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, as reported by the Joint Committee, be taken into consideration."

I imagine that there is no Member of this House who does not understand the purpose of this Bill and its connection with the measure which this House passed at its last Session. It is in fact consequential on the proposal to set up a Reserve Bank for India and as such I hope that none of its provisions will prove to be controversial. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, as reported by the Joint Committee, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I beg to move:

"That the Bill, as reported by the Joint Committee, be recommitted to the Joint Committee, with instructions that the Bill be so drafted that the Imperial Bank may cease to be Statutory Bank as soon as the Reserve Bank is established and that no Statutory privilege should be given to the Bank unless and until it agrees to advance money on the security of immovable property."

I do not want to make a very long speech. I shall follow the good example of the Honourable the Mover of the motion and finish my observations in as few minutes as possible. The object of my motion is

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): On a point of order. Is the Joint Committee in existence, and, if so, this motion should be made with the consent of the other House.

Mr. President (The Honourable Sir Shanmukham Chetty): The proper way in which this amendment ought to be worded is that a recommendation be made to the Council of State that the Bill, as reported by the Joint Committee, be recommitted to the same Joint Committee, etc. It is only a formal matter.

Dr. Ziauddin Ahmad: I accept the wording. That was really my intention. The object of my amendment is that we should not have in this country two Banks created by Statute. We created the Imperial Bank by Statute, because the Imperial Bank was in charge of the credit of the country and, naturally, a Bank, which is in charge of the credit of the country, must have the protection of the State. After the establishment of the Reserve Bank, naturally the credit of the country will be transferred from the Imperial Bank to this Reserve Bank and the very purpose for which Statutory protection was given to the Imperial Bank would cease to exist. You can create one body which may be responsible for the credit of the country and that body, in its turn, with the permission of the Government of India, may entrust the work to some such other banks as it may deem fit, but to create two bodies by means of Statutes is not a thing which is desirable. In fact, I really wanted to move that the Imperial Bank of India Act of 1920 should be modified in a manner that there should be only two clauses. One clause should be that the Act should be repealed and the second clause should be that the Government of India should be empowered to take necessary steps to transfer the credit and the reserve from the Imperial Bank to the Reserve Bank; but I had some constitutional difficulties, and, unfortunately, I did not have the advice of my Honourable friend, Sir Hari Singh Gour, and the only way of doing it is to ask the Council of State to refer the Bill again to the same Committee so that it may have two clauses only containing the provisions I have indicated. The other thing is that I expected today that the Honourable the Finance Member would make out a case for extending the protection to the Imperial Bank, but no case has been made out. He only said that it was a consequential amendment to the Reserve Bank Act, but I think the consequential amendment to the Reserve Bank Act should be that it should cease to exist as a Statutory Bank, because we do not want that in the country there should be two Statutory Banks. No doubt the Imperial Bank did play a very large part during the last fourteen years, but it was not to the good of the country;

it has been primarily to the good of the shareholders. We all know that the value of the shares of Rs. 500 each rose to about Rs. 1,500 and that they had been giving dividends of 18 per cent. and that, only recently, their dividend has been reduced from 18 to 12 per cent. Now, at a time when the bank rate of interest is only three and a half per cent., at a time when the Imperial Bank is giving only an interest of two per cent. on the fixed deposits, it is not desirable that the shareholders should get a dividend of as much as 12 per cent, which is about five times the amount which the Imperial Bank allows to its own depositors. So I think it is not justifiable that we should create such bodies by Statute and allow them to make exorbitant profits which do not exist in the case of any other banking concern. Sir, we have been at pains to find out what justification could there possibly be for the creation of this Bank by means of Statute. Why should the Imperial Bank not be treated like other banks in the country? It may be registered under the Indian Companies Act, and should be treated just like any other bank in this country. I remember that on some occasion the Honourable the Finance Member said, I think in Simla, that this Bank provided banking facilities in this country. Now, I do not understand what banking facilities the Imperial Bank provides and in what way it provides better facilities than the other banks of the country. In the first place, I say it does not give credit to the tenants on the security of their crops. It does not lend any money to the landlords on the security of their landed property. Now, those are the two most important sections in this country, that is the landlords and the tenants, who form nearly 71 per cent. of the total population. To these classes this Bank is of no use whatsoever; it does not do any good to them; therefore, if you want that the country should give protection to a particular bank, then we on this side of the House can legitimately demand that such a bank should give banking facilities to that particular industry which is followed by the majority of the people of this country, that is, agriculture. Otherwise it will not be possible for us to agree, and I think it is unfair of the Honourable the Finance Member coming before the Legislature and saying that special Statutory protection should be given to this particular Bank while this Bank is not doing any good to these landed classes. In fact, in this particular matter, other banks are slightly better than the Imperial Bank; they occasionally do advance money on the security of landed property, but the Imperial Bank by Statute cannot do so. Therefore, it is not desirable that the Honourable the Finance Member should come before us and demand that we should give our Statutory protection while this Bank still continues to pay dividends of 12 per cent. although the bank rate of interest is only three and a half.

In this connection, I would strongly urge that if it is demanded that the Imperial Bank should be a Statutory Bank, then a special Branch, which I should call the Rural Credit Department, should be established in connection with the Imperial Bank and a portion of their capital ought to be devoted to this purpose, that is, they ought to give money to those banks which I should call long-term banks which give loans to the landlords on the security of their property and also to co-operative banks which give loans to the tenants for a short time on the security of their crops. Sir, in 1921, the Bank had nine crores of Government securities, and now the Government securities have gone up to Rs. 40 crores—I am told, 46 crores. Now, since the Bank has got such a large amount of Government securities, will it not be reasonable for us to demand that at

[Dr. Ziauddin Ahmad.]

least a portion of it ought to be invested in the shape of loans to landlords and tenants directly or through land mortgage and co-operative banks? Of course the thing is that Government securities are not really a novel form of investment for which we ought to create a bank by means of a Statute. There are always a number of people who are always willing to buy such securities. You do not want a Statutory Bank only for this purpose, that it may help to buy Government securities. Now we have created a Reserve Bank, and if, in order to keep up the prices of these Government securities at a normal level a Statutory Bank is necessary, I say that the Reserve Bank serves that purpose and it is not necessary to create a second Statutory bank for this object. So far, I have shown that as regards the landed interests, this Bank is of no use to them whatsoever, and it is quite unnecessary to create by means of Statute a special bank which may give fat dividends to its shareholders of something like 12 per cent. which they are giving now. If we give any assistance from the public funds, we ought to give it to those banks who give in their turn assistance to the people of this country, and the people of this country really mean the agriculturists, because they form the bulk of the population. Therefore, I again emphasize that if we create this Bank by means of a Statute and continue the Imperial Bank of India Act, 1920, then one of the important conditions which should be imposed on this Bank is that it should create a Rural Credit Department and should reserve certain funds for the benefit of the landlords and tenants, which may be given either directly or through land mortgage and co-operative banks and the whole Bill should be redrafted with this object in view. If the authorities of the Bank, however, are unwilling to agree to assist the landed classes, then we on our side should press the point that they do not deserve any Statutory assistance and any Statutory protection from the Legislature and from the country.

The next point which I would like to press is this. Of course, we cannot press it in the case of the private banks. They are at liberty to do whatever they like, but in the case of the Imperial Bank which asks us for Statutory protection and which asks us to legislate for them, we have every right to demand the facilities for the transmission of money from one place to another. In this connection, I would like to remind the House that in England a cheque can be cashed at par at any bank. If you take a cheque from one bank and present it to any other bank, it is always cashed at par. But in India cheques are not cashed at par. Unfortunately, the Imperial Bank is not following the noble example of a first class business. They are following the example of the third class hawkers by having different rates in different places. I took some pains to find out as to what their rules were for discounting a cheque, and I was told that in some places they have four annas per hundred with a minimum of eight annas and in other places there is no such minimum. If you take a cheque of Rs. 10, then they will not deduct a discount of four annas, which means four annas per cent., but they will deduct eight annas. Whatever my friend may say about it, he will say from a theoretical point of view, but I have really suffered and paid to the Bank. When they charge me in this way, I have every right to call them swindlers, because I have lost the money. We can understand it if it has a uniform rule, but if you will make inquiries, you will find that in some branches the rule is that the minimum discount is always fixed and the rule is that, if you take a cheque even for Rs. 10.

they will charge you eight annas under the rule that the discount is four annas per cent with a minimum of eight annas. Again, if you take a cheque for a thousand rupees, then you have got different rules in different branches. I have got a letter from my own branch where I actually paid four annas per cent. only three days back on a thousand rupee cheque. They said that the rule is two annas per cent. if the sum is for Rs. 1,000 or above with a minimum of Rs. 2-8-0 and, therefore, I must pay discount for a sum of Rs. 2,000. This rule is not observed in every branch. So, when a Bank which has got Statutory provisions makes different rules for different branches, it is not following an example of a first class business, but of third class hawkers by making different rules in different provinces. I have every reason to complain against this practice, as I have lost thousands of rupees because of the rule of minimum discount.

Sir, the next point which I should like to make is the differential treatment shown to the members of the staff. Here I have got a copy with me of a report and I am not going to read out the whole of it, because I propose to follow the sweet example of the Honourable the Mover to be very brief and to finish it as quickly as possible. I will, therefore, only read one or two passages from this report. The report (on page 3) deals with the salaries of the staff. I believe this report is in the hands of every Honourable Member:

"While the Bank has thus been stubbornly refusing to provide even a living wage to the vast number of its Indian employees, it has provided for the European staff and a handful of Indian officers salaries, allowances and other amenities which put to shame even the Leo Concessions. Many of the allowances which the clerical staff of the Bank of Bengal and the Imperial Bank used to enjoy in 1927 have been withdrawn altogether. The compassionate allowance granted to the widows of the deceased employees, overtime allowance, holiday allowance and all these things have been withdrawn."

Then, coming to the security of the service, they say:

"That apart from these dismissals, the Bank follows another method of discharging the employees, that is the method of forcing them to retire before time."

Then there is a full paragraph about insecurity of the service, which I need not quote. My submission, therefore, is that if we create a body by means of the Statute, it is the duty of the Legislature and of the Government of India to see that the servants employed by that Statutory body are adequately safeguarded and this matter should not be left entirely to the shareholders or the Directors or the Governors as in the case of the private banks. Had it been a private bank, we had no right to interfere with it, but as this is a bank created by a Statute, we have got every right to see that the interests of the employees are adequately safeguarded. I next come to page 8 where comparison has been made between the European and the Indian employees. The report says:

"In the Bengal Circle, there are 110 Europeans and 10 Indians; in the Bombay Circle, there are 68 Europeans and 8 Indians; in the Madras Circle, there are 50 Europeans and 9 Indians; in the Central office, there are 9 Europeans and no Indian. Total 237 Europeans and 36 Indians. The authorities make much of the fact that for the last two years no European officer has been recruited but as a matter of fact many years will elapse to find proper work for the European officers already taken in."

That is what the report says about discrimination. There is only one sentence more which I would like to read from this report about the discrimination between Indian and European staff:

"The Indian Directors are powerless even if they have the will to protect the interests of the Indian staff. They are mere puppets in the hands of the Managing Governors and the Secretaries of the Bank. They cannot assert against the policy of the Bank. This is an evil common to almost all the Shareholders Banks."

[Dr. Ziauddin Ahmad.]

I may add, including the Reserve Bank, which is to be established in the near future.

This is the opinion of the staff of the Imperial Bank and this I have quoted from their report which probably everybody has seen.

The Honourable Sir George Schuster: Would my Honourable friend tell us what he is reading from? He says he is reading from an official report. I do not know what he is referring to.

Dr. Ziauddin Ahmad: I can just pass it on to my Honourable friend. This is the memorandum submitted by the General Secretary of the Imperial Bank Indian Staff Association, Calcutta. Christmas is rather long ahead, otherwise I would have presented it as a Christmas present for 1934.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): You can present it on the Parsi New Year day.

Dr. Ziauddin Ahmad: This is the opinion which was expressed by the representatives of the staff of the Imperial Bank. Therefore, my request that, if any bank or any body is created by Statute, then the protection of the interests of the staff rests with the Legislature and with the Government of India and it cannot altogether be left to the sweet will and pleasure of the shareholders, because, after all, there should be some difference between a bank created under the Companies Act and a bank created by the Central Legislature. What is the difference between the two? The difference is that in the one case the shareholders can do whatever they please and, in the other case, the shareholders and their representatives, the Directors, cannot do whatever they please, because they are also responsible to the Legislature who are responsible for bringing them into existence. If the whole constitution is redrafted, then this particular point should be borne in mind.

Another point that I should press is this. Last time, when I was speaking, my Honourable friend, Sir Cowasji Jehangir, said that there was no discrimination whatsoever in Bombay between English and Indian firms and he was very strong about that point and so I had to keep quiet then. When I visited Bombay last time, I made personal inquiries on this particular point. I say that Sir Cowasji Jehangir may be right as far as his experience and the experience of his friends is concerned. But his experience is not shared by other people whom I had the opportunity to meet. If my Honourable friend wants, I shall submit the names of those who were responsible for this opinion. If my Honourable friend, Mr. Pandya, were here, he would give out how discrimination was made in the case of Madras when a particular case was taken to the High Court and all the facts were brought out. This is also a point I should like to mention that if any bank is created by an Act of the Legislature, then there should be no discrimination whatsoever. Members on the Treasury Benches and also the Home Government have always emphasised and we have also accepted that there should be no discrimination in trade between

Europeans and Indians, and I press that the principle may be accepted elsewhere. Unfortunately discrimination is not pressed from this side of the House, it is really pressed from the side opposite. They are more responsible for introducing discrimination than we on this side of the House are responsible. I do not like to go in greater detail on this point, but I would like to have the Bill redrafted so that certain provisions which they introduced in the Reserve Bank Bill might also be introduced in this Bill. Some other things, in addition to those, must also be included. For example, there should be some time limit for the Directors. A Director should not hold office for any length of time, but there should be some time limit, and if the Bill is not going to be referred to the Joint Committee again as suggested by me, then probably we will have to consider this question in greater detail. My Honourable friend, Mr. Pandya, pointed out on several occasions that a Director once appointed remains a Director unless he is removed by an act of God. This statement can be easily verified from facts. I, therefore, suggest that there should be some rule by which a Director should not remain in office for a very long period, because, if a man is asked to do a particular work, he brings in fresh energy, ideas and principles. If he has anything in him, then all his ideas and principles are exhausted in five years and he has got nothing more to offer. Really to perpetuate him in a particular work is actually to make the work monotonous and it is impossible for the man to make any new contribution. People may say that he will bring in his long experience. But the experience which a man had 30 years ago cannot be applied to the affairs of today. Circumstances and time always change and fresh blood and fresh enthusiasm and fresh ideas must always be brought in. Persons who have no new suggestion to offer should not be perpetuated in office. This is another point which we have to consider. My friend, Mr. Mitra, suggests there should be an age limit. I do not like to enter into this question now, but, at the same time, I must say that the value of a person does not increase with age. It increases upto a certain age, but when a man has really finished his active life, then he begins to decline. The other day I gave the example of a horse which I should like to repeat. If a horse costs 100 rupees at the age of four, then that horse does not cost Rs. 600 at the age of 24, because, long before the age of 24, the horse will cease to be workable and it will fetch no price whatever at the age of 24. My friend, Mr. Mitra, also enquires whether I would like to impose an upper age limit, and I would reply that I would certainly like to have an age limit, but it is rather difficult to determine. Of course, the age of 65 may be fixed in the case of a Director of the Imperial Bank. I am just reminded that some of the Governors who have been nominated recently to the Imperial Bank are beyond the age of 80 and they are persons who are not likely to attend any meeting of the Directors and probably it is to their credit that they do not attend meetings at all, because they will not bother the administration in the least. This question also should be considered and an age limit should be imposed in the case of the Directors.

Another point to be considered is, whether it will not be possible to open branches of Imperial Bank at places where the Reserve Bank branches exist. The Reserve Bank will exist in Bombay, Calcutta, Madras, Rangoon and Delhi, and it is very easy to establish branches at these places, because organisation already exists there. The other condition should be that the list of shareholders ought to be kept at these places in order that they may be available to those persons who are standing for election. With these words, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

“That a recommendation be made to the Council of State that the Bill, as reported by the Joint Committee, be recommitted to the same Joint Committee, with instructions that the Bill be so drafted that the Imperial Bank may cease to be Statutory Bank as soon as the Reserve Bank is established and that no Statutory privilege should be given to the Bank unless and until it agrees to advance money on the security of immovable property.”

The Assembly then adjourned till Eleven of the Clock on Monday, the 29th January, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 29th January, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

APPOINTMENT OF AN INDIAN AS A MEMBER OF THE RAILWAY BOARD.

33. ***Mr. A. Das:** (a) Will Government be pleased to state if any Indian has so far been appointed as a Member of the Railway Board? If so, when, and for how long?

(b) If no Indian has so far been appointed as such, do Government propose to consider the question of the appointment of an Indian when the next vacancy occurs?

(c) What minimum number, if any, of the Members of the Board are Government prepared to reserve for Indians?

The Honourable Sir Joseph Bhoré: (a) Mr. Hayman was a Member of the Railway Board from the 2nd of April, 1929, to the 14th of January, 1933. Mr. Pavry officiated as a Member from the 18th of April, 1931, to the 16th of October, 1931. I need not remind the House that the present Financial Commissioner of Railways is an Indian.

(b) The claims of all suitable officers are considered carefully whenever any vacancy occurs.

(c) Government consider it most undesirable in the public interest to reserve any vacancy in the Board for any race or community.

SECRET AGREEMENT BETWEEN THE BURMA OIL COMPANY AND THE STANDARD OIL COMPANY.

34. ***Mr. K. P. Thampan** (on behalf of Mr. Lalchand Navalrai): (a) Has the attention of Government been drawn to a letter published in the *Hindustan Times* of Friday, the 15th December, 1933, under the caption "Secret agreement between B. O. C. & S. O. C."?

(b) Are Government prepared to make enquiries to find out if there is such an agreement between these oil companies?

(c) Is it a fact that imports from Burma have greatly increased and those from outside decreased, causing substantial loss of revenue from import duty?

(d) Is it a fact that the Standard Oil Company sends for oil from America? If so, are Government in a position to state whether their imports from that country have decreased?

(e) If the answer to part (d) be in the affirmative, are Government prepared to find out the reasons why such imports have decreased?

The Honourable Sir Joseph Bhore: (a) Yes.

(b) to (e). Information as far as possible is being collected and will be supplied to the House in due course.

MONOPOLY ENJOYED BY THE BURMA OIL COMPANY.

35 ***Mr. K. P. Thampan** (on behalf of Mr. Lalchand Navalrai): Does the Burma Oil Company enjoy the monopoly of Burma oil? If so, was it the Government of India or the Provincial Government which granted the same, and when and on what conditions?

The Honourable Sir Frank Noyce: The reply to the first part of the question is in the negative. The second part does not arise.

NOTICES ISSUED IN MIDNAPUR AT THE INSTANCE OF THE MILITARY AUTHORITIES.

36. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that, at the instance of the military authorities, the following notices were issued in Midnapur (Bengal) to a number of local citizens?

(i) "Notice is hereby given that the Royal Garhwali soldiers will be coming to Contai at 3 P.M. on the 16th December, 1933. You are therefore directed to be present at the Contai Dak Bungalow compound at 3 P.M. and to welcome them, and to salute the British flag."

(ii) "You are hereby informed that a ceremonial parade of the Royal Garhwali soldiers will be held in the Khasmahal compound at 11 A.M. on the 18th December, 1933. You are therefore directed to be present at that place at the fixed time, and without fail."

(b) Is it a fact that soldiers are sometimes made to march into the houses of certain citizens in Midnapur, and are Government aware that they are molested on their refusing or hesitating to salute the Union Jack, and that in some cases people are asked if they were for the Congress or for Government, and any one of them stating that he was for the former, was maltreated? Do Government propose to enquire into these allegations?

The Honourable Sir Harry Haig: The Government of India have no information, but are making enquiries. A reply to the Honourable Member's question will be laid on the table in due course.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 1113 asked by Mr. Gaya Prasad Singh on the 21st November, 1933;
- (ii) the information promised in reply to a supplementary question to starred question No. 1238, asked by Mr. Gaya Prasad Singh on the 1st December, 1933; and
- (iii) the information promised in reply to part (h) of starred question No. 1456 asked by Sardar Sant Singh on the 20th December, 1933.

ALLEGATIONS BY CERTAIN DECK PASSENGERS AGAINST THE BRITISH INDIA STEAM NAVIGATION COMPANY.

*1113. As a result of the enquiries made in the matter, it is understood that the number of passengers carried by the steamships "Ellenga" and "Elephanta" on the voyages in question was far less than the maximum number of deck passengers for the carriage of which the vessels hold certificates. The number of deck passengers carried by the s. s. "Ellenga" on the voyage from the Coromandel Coast to Rangoon was about 860, whereas the steamer was certified for the carriage of 1,800 passengers, whilst the s. s. "Elephanta" on her voyage from Rangoon to the Coromandel Coast carried about 630 passengers against 2,020 which she was certified to be capable of carrying. No passengers were carried in holds or in any compartment not certified for the accommodation of passengers and the passengers were allowed the use of all decks. It is also understood that no complaints of any kind were made to officers concerned by any passenger.

In the circumstances, the Government of India do not propose to take further action in the matter. They consider, however, that in such cases the proper course for the aggrieved passengers is to lodge a complaint with the officer of the Mercantile Marine Department concerned, so that any necessary inquiries may be made at the time.

ALLEGATIONS AGAINST THE BRITISH INDIA STEAM NAVIGATION COMPANY.

*1238. As a result of the enquiries made in the matter from the British India Steam Navigation Company, it is gathered that the deck passenger fares to and from the Coromandel ports have been increased, as they had been on an uneconomic level for some time past and the Company could not continue to carry passengers at rates which involved a serious loss. It is also stated that the increases recently made by the Company will only bring the fares to a more normal economic level.

As regards the Company's system of paying commission to hotel-keepers in Rangoon, the Company observe that passengers are under no obligation to patronise any particular hotels if they are not satisfied with the conditions.

APPOINTMENT OF STAFF IN THE STATISTICAL RESEARCH BRANCH OF THE COMMERCIAL INTELLIGENCE AND STATISTICS DEPARTMENT.

*1466. There were 16 Sikh applicants for appointment in the Statistical Research Branch of the Commercial Intelligence and Statistics Department. Of these, four were graduates, four undergraduates, seven matriculates and one without any University qualification.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table—

- (i) the information promised in reply to starred questions Nos. 274 and 278 asked by Pandit Satyendra Nath Sen on the 31st August, 1933;
- (ii) the information promised in reply to starred questions Nos. 597, 599 and 602 asked by Mr. A. Das on the 4th September, 1933;
- (iii) the information promised in reply to starred question No. 603 asked by Mr. A. Das on the 5th September, 1933;
- (iv) the information promised in reply to starred question No. 1129 asked by Shaikh Sadiq Hasan on the 23rd November, 1933;
- (v) the information promised in reply to unstarred question No. 237 asked by Mr. S. C. Mitra on the 27th November, 1933; and
- (vi) the information promised in reply to starred question No. 1345 asked by Pandit Satyendra Nath Sen on the 11th December, 1933.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*274 (j), (k) and (l). If, as I presume, the Honourable Member is thinking of the case referred to in his question No. 1161, I would refer him to the reply I gave to that question on the 27th November 1933.

DISTINCTION BETWEEN THE OAKGROVE EUROPEAN SCHOOL AND OTHER EAST INDIAN RAILWAY SCHOOLS.

*278 (a) and (b). I would refer the Honourable Member to the reply given to his question No. 1162 on the 27th November 1933.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*597 (c). I would refer the Honourable Member to the reply given by me to question No. 1161 put by Pandit Satyendra Nath Sen on the 27th November 1933.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*599. I would refer the Honourable Member to the reply given by me to question No. 1161 put by Pandit Satyendra Nath Sen on the 27th November 1933.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*602. (b), (i) and (ii). All the persons concerned are under the rules under which they were recruited. These happen to be different in different cases.

(iii) There are no other classes of railway employees on the East Indian Railway for whom there are no prescribed leave rules. The question of framing suitable rules for this staff is under consideration.

(iv) In certain respects they are more liberal and in other less.

(v) Not necessarily.

(vi) The Agent, East Indian Railway reports that the rules which are referred to in clause 4 of the agreement are those relating to Provident Fund and gratuity.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*603. (b) The East Indian Railway Leave Rules have been held not applicable to those teachers in whose case there are no definite rules regulating leave.

(c) I understand the Head Master was not granted leave under East Indian Railway leave rules.

(d) No, but the East Indian Railway Leave Rules might have been and are followed in certain cases as a guide to the leave granted.

(e) Yes. The reply to the second part is in the negative.

(f) and (g). Employees of the East Indian Railway were generally given such an option; but it is understood that the teachers of the East Indian Railway schools were not, as it was held they were not governed by the East Indian Railway Leave Rules.

(h) The question of leave rules for these teachers is under consideration.

INDEBTEDNESS OF THE SUPERINTENDENT OF PRINTING AND STATIONERY, NORTH WESTERN RAILWAY, LAHORE.

*1129. (a) The Agent, North Western Railway, reports that there were no court attachments against the Superintendent, Printing and Stationery, Lahore, prior to October 1933. Court attachments were made since then against the salary of the officer mentioned above and two recoveries were made. The attachment order has since been cancelled by the Court and refund of the amounts already recovered has been made.

(b) No summons have been served through the railway and the Government are not aware of any civil suit brought by Sheikh Fazal Ahmed against the officer in question.

(c) Supplies, of printing and stationery are obtained through the Printing and Stationery Offices, Calcutta, with the exception of a small number of minor items purchased by the Controller of Stores, North Western Railway. Sheikh Fazal Ahmed has not in recent years been a supplier of any items of printing and stationery obtained direct by the North Western Railway.

(d) As Sheikh Fazal Ahmed has not been a supplier of Printing and Stationery material purchased since 1929, previous to which records are not readily available, this question does not arise.

(e) At the time of the Press Superintendent proceeding on leave in October 1931 no recoveries were being made from his salary on account of court attachments. The last full month's pay drawn before he proceeded on leave was Rs. 432-5-0.

(f) Government are not aware what civil suits were brought against this officer or what witnesses were called.

(g) Does not arise.

BEGUMPUR STATION ON THE HOWRAH BURDWAN PORT OF THE EAST INDIAN RAILWAY.

237. (a) A statement is annexed showing (i) the total amount of goods and passenger traffic at Begumpore during the years 1931-32 and 1932-33.

(ii) the total amount paid by the East Indian Railway to Messrs. Martin and Company as compensation for loss of traffic sustained by the Howrah-Sheakhala Light Railway for the years 1931-32 and 1932-33.

(b).

(i) The answer is in the affirmative.

(ii) Government understand that the stoppage of the train referred to at Begumpore was reduced to admit of an earlier arrival at Burdwan and not on account of the reasons mentioned in the question. In point of fact, there has been no fall in earnings in respect of parcels traffic to stations in the upward direction since the reduction of the period of halt.

(c) The tramway order under which this was constructed does not confer on Government any right of purchase of this railway.

(d) and (e). The Agent, East Indian Railway reports that the Administration has a regular programme for the provision of improved facilities for passengers at stations and these facilities such as raised platform, overbridge and waiting shed are provided in accordance with the importance of stations with regard to passenger traffic. In this programme, Begumpore station stands first for the provision of a raised platform and second for the provision of an overbridge and if funds permit, the provision of a raised platform will be taken in hand in the next financial year, 1934-35. As regards the provision of a *pucca* feeder road, the Agent states that at stations where the traffic warrants it, the road leading from the District Board road to the railway station which is called the station approach road, is provided by the Administration.

Statement.

(i) Total amount of goods and passenger traffic forwarded from and received at Begumpore station for the years 1931-32 and 1932-33.

Goods Traffic.

Year,	Coal Mds,	Other Merchandise.	Total Mds.
1931-32	122,436	36,557	158,993
1932-33	110,731	38,108	148,839

**Passenger Traffic.
Number of
passengers.**

Year.	
1931-32	465,969
1932-33	434,413

(ii) Compensation paid to Messrs. Martin and Company by the East Indian Railway for loss sustained by the Howrah Sheakhala Light Railway.

For year.	Amount.
	Rs.
1931-32	44,958
1932-33	40,602

**GRANT OF COMPENSATORY HILL ALLOWANCE TO THE STAFF STATIONED AT
HARDWAR, EAST INDIAN RAILWAY.**

*1345. (a) I understand certain categories of staff are granted a compensatory allowance.

(b) and (c). Yes.

(d) No Travelling Ticket Examiners are now stationed at Hardwar.

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight members to be members of the Committee on Public Accounts."

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight members to be members of the Committee on Public Accounts."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, the amendment to this rule 51 makes the old Public Accounts Committee *functus officio*, because sub-rule (6) says:

"When the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63D(1) of the Government of India Act, a new Committee on Public Accounts shall be constituted, etc."

The last Committee has not completed its work, and although it has reported on the Civil and Military Appropriation Accounts, the report on the Railway Appropriation Accounts has not yet been submitted. I wish to know if the new Committee, which will be now appointed, will be in a position to finish the uncompleted part of the report as regards the Railway Appropriation Accounts. Because it is a Statutory duty and this Committee is also a Statutory Committee and it will be neither doing its duty to the House nor satisfying the rules of the Legislature.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): There is one other point which I should like to know—What will be the term of office of this new Committee? At present the life of this Assembly has been extended by one year and one does not know what will be the future fate of this Assembly. I should like to know whether the life of this new Committee will be for one year or only as long as the present Assembly lasts.

Sir Lancelot Graham (Secretary, Legislative Department): As I understand the position, the old Committee will have terminated and obviously it cannot function after it has terminated and the new Committee must take up any work that is pending. That seems to me to be the only possible position and also the most reasonable and satisfactory position.

Dr. Ziauddin Ahmad: What about my point?

Sir Lancelot Graham: Will the Honourable Member kindly repeat the point?

Dr. Ziauddin Ahmad: Will the life of this new Committee be for one year or only so long as the Assembly lasts?

Sir Lancelot Graham: The position as regards the Committee is, as if from the beginning of this Session, we had an entirely new Assembly, and, therefore, the position as regards the Committee which we are now going to elect will be precisely the position which there was in respect of the Committee which was elected in January, 1931. There is no change at all.

Dr. Ziauddin Ahmad: If we accept the principle that from the present Session this is an entirely new Assembly and not a continuation of the old Assembly, then a good many Committees that have been formed previously will probably cease to exist, and the whole position will be altered.

Mr. S. O. Mitra: Sir, I should like to speak on the motion itself. The Public Accounts Committee is required by Statute to discuss and report on the Appropriation Reports submitted by the Audit Officers, primarily the Accountants-General and the remarks of the Auditor General. It is well known to the House that the Public Accounts Committee discusses accounts which are already two years old. That is, in the year 1933-34, it was discussing accounts of the year 1931-32; and when the report is

[Mr. S. C. Mitra.]

submitted, it is discussed in the Budget Session. For reasons best known to the Finance Member, during the whole of 2½ months during the last Budget Session, there was not a day allotted for the discussion of the Public Accounts Committee's report, and in the Simla Session the belated report was discussed. Now, as regards the last Public Accounts Committee, it decided, under the presidency of Sir Alan Parsons, that the Public Accounts Committee should submit two separate reports, one for the general accounts and another for the railway accounts. The Committee was called to discuss the civil accounts and, at the end of it, it was also suggested, going back, on their earlier decision, that it should also discuss the railway report. Then, my friend, Mr. Thampun, almost threatened to non-co-operate and forced the committee for the time being to decide that they would only discuss some urgent points that were needed for re-arranging the budget heads of the railways and that the whole report would be discussed later on when a fuller Committee could be called. Now, I see that the Public Accounts Committee, that was elected to discharge its duties and to go into the appropriation accounts for the year 1931-32, have only partially performed their duty. It lies heavily on the Finance Member to show why he or his Department have failed to place the railway accounts and the report completed by that Committee before its dissolution. That is all I have to say on this.

The Honourable Sir George Schuster: Sir, on the common sense view of the case—I do not propose to deal with the legal aspects of the matter—I think the answers to my Honourable friend's points are perfectly clear. In the first place, it would naturally follow that the new Public Accounts Committee would continue the work which was put upon the old Public Accounts Committee, and I would remind my Honourable friend of the fact that it lies with this Assembly to decide who those eight members are to be. The Assembly can very well elect the same members who will now retire; and in that case the continuity will not be interrupted. My Honourable friend has asked why opportunity has not been found to enable the existing Public Accounts Committee to complete the second part of its functions. I think the answer to that question must be very well known to Honourable Members who sit in this House today. They know full well how our time has been occupied; they know full well that it would have been quite impossible to find time during the last three months to summon a meeting of the Public Accounts Committee to consider that report. If we are to find time—and I wish to emphasise this point—to deal with all the public business, then either my Honourable friend Dr. Ziauddin Ahmad, will have to do something to the sun to provide 36 hours instead of 24 hours in every day, or he will have to put upon himself and his colleagues a self-denying ordinance and not speak at such great length in this House. That is the answer to my Honourable friend's question.

Dr. Ziauddin Ahmad: I have not got an answer to my question: the theory that was advanced was that the present Assembly might be supposed to be a new Assembly and, therefore, the Committee that we were electing would practically be for three years according to the existing rule; and if we accept the theory that this is a new Assembly, then, with the exception of a fresh oath of allegiance, I am very doubtful whether the old Committees exist. Even the Finance Committee should cease to exist and we ought to elect a new Standing Finance Committee from the beginning of the Session.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member will realise that this motion is made under the new rule which he will find attached to the Manual of Business:

"When the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63D(1) of the Government of India Act, a new Committee on Public Accounts shall be constituted at the end of the said period of three years as if a new Assembly had commenced."

It does not follow that this Assembly is to be considered as if it is a new Assembly coming into existence after new elections and, therefore, the oath of allegiance and all those matters do not arise.

Dr. Ziauddin Ahmad: But it is the point raised by the Secretary of the Legislative Department that this is supposed to be a new Assembly.

The Honourable Sir Brojendra Mitter (Law Member): Sir, the new rule is quite clear and says "A new Committee on Public Accounts shall be constituted at the end of the said period of three years." So three years is the normal life of the Committee. "As if a new Assembly had commenced" means that the Assembly is not in fact a new Assembly, but it is to be deemed to be a new Assembly for the purpose of this rule. That is all. Therefore, if it is deemed to be a new Assembly, what would be the life of the new Committee? Rule 51 (1) provided for this; "constituted for the duration of the Assembly" means that if the duration of this Assembly is one year, then the life of the new Committee will be one year.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): I am not a lawyer, Sir, but I apprehend that the old Public Accounts Committee ceased to exist on the day on which the normal life of this Assembly was over, that is, about the 14th of January; and a Committee constituted now under the revised Standing Orders cannot take up that portion of the work which was held over by the last Public Accounts Committee. The Railway Appropriation Accounts were not gone into by the last Public Accounts Committee and it would be *ultra vires* on the part of the Committee succeeding that to take up a subject which was really within the purview of the previous Public Accounts Committee. Therefore, we have failed to carry out the provision in the Government of India Act with regard to the powers and functions of the Public Accounts Committee. There has been a remissness on the part of the Government in not calling a meeting of the last Public Accounts Committee and considering the Railway Appropriation Accounts.

Mr. R. S. Sarma (Nominated Non-Official): What did the members do?

Mr. K. P. Thampan: My friend, Mr. Sarma, asks "What did the Members do?" It is not the concern of the members to call a meeting. It is entirely the business of the Government and, I hold the work of the last Public Accounts Committee has not been completely discharged.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, in this connection I must raise a protest. The Public Accounts Committee is a very important Committee and it has to examine how the expenditure of Government has been incurred and whether it

[Mr. B. V. Jadhav.]

was properly incurred or not; and, therefore, this Committee ought to be given all facilities and must meet oftener than it suits the Finance Department to call it. As a matter of fact, every year the accounts of the previous year must be gone through thoroughly and, therefore, in England it is the practice for the Committee to sit longer, I think for about four to six months. I do not think that the Public Accounts Committee here will have to sit continuously for such a long time. But, at the same time, I must point out that Government have not been very alert in calling the Committee to finish the business. The Government complain that the House sits longer and continuously and they do not find time. But I do not think that applies in the present case, because sittings in the House of Commons are very much longer than here in this Assembly and there they find sufficient time to go through the accounts; and I do not see any reason why the Government of India should not find time to take sufficient work from the Public Accounts Committee. The members of the Committee are bound by their acceptance of the office to be present as long as they are wanted for the work of the Committee, and I do not think any objection has been raised by the members of the Committee that they have to sit long. Therefore, I would suggest that Government should give sufficient time to the Public Accounts Committee to complete its work henceforward. I understand that the last Public Accounts Committee is now *functus officio* and, therefore, a new Committee will have to be appointed and the new Committee should have sufficient time to go through the remainder of the work and finish it.

Mr. N. M. Joshi (Nominated: Non-Official). Mr. President, I think the difficulty which has been felt of finding time for the work of the Public Accounts Committee is to some extent due to the provision that the Finance Member shall be the Chairman of the Committee. In the House of Commons, the Chairman of the Public Accounts Committee is taken from the ranks of the Opposition. I think we should follow that practice. It will be useful from various points of view. In the first place, the Public Accounts Committee being the Committee to criticise the work of the Finance Department, it is much better that the Chairman should be taken from the ranks of the Opposition. Secondly, it will also enable us to get a little more work from the Public Accounts Committee and not to saddle the Finance Member with much larger work than he can cope with. I fully realise that the Constitution gives him the right to be the Chairman, but it is certainly possible for the Finance Member and the Public Accounts Committee to have, even under the present Constitution, a Vice-Chairman who shall preside over the Public Accounts Committee in the absence of the Finance Member.

Mr. President (The Honourable Sir Shanmukham Chetty): So far as the point raised by Mr. Thampan is concerned, according to rule 51, it is the Statutory duty of a Public Accounts Committee to deal with the appropriation accounts of the Governor General in Council and the report of the Audit Officer thereon. It does not specify which Public Accounts Committee shall dispose of the audit accounts of a particular year. It will, therefore, be open to a Public Accounts Committee that succeeds a previous one to follow up the work of its predecessor. As regards the other question, it will now be for the Public Accounts Committee, that is going to be constituted to go into the whole matter and find a solution.

The Public Accounts Committee is a Statutory body and every opportunity must be given to it to discharge its Statutory functions. In this connection, the Chair would invite the attention of Honourable Members to the necessity for the Assembly and its Committees to do much more work as a result of the increasing pressure of public work in the Assembly. Mr. Jadhav drew the attention of the House to the work in the House of Commons. I have myself observed the work in the House of Commons and what they do there is this. The House of Commons meets at 2-45 in the afternoon and does public business from 3 O'clock in the afternoon till 11 O'clock at night, and sometimes till late at night and early in the morning. All Committees meet in the morning and do Committee work till about 2 in the afternoon. Therefore, the House of Commons on a particular day does really about three times the work that this Assembly is doing. I have myself felt that the hours of work for the Assembly are very unsuitable when the pressure of work increases as it is increasing for the last few months. We are meeting only at 11 o'clock and we disperse at about 4-45 or 5 o'clock doing barely 4½ hours work per day. It is now up to the Leaders of Parties and the Members of Government to put their heads together and devise some means by which both in Committee and on the floor of the House the Assembly can do far more work than it is doing at present.

Mr. B. V. Jadhav: May I point out that in the Bombay Council they meet at 2 o'clock and the Session of the Council closes 7, so that they have got sufficient time from 10 in the morning till about 1-30 P.M. to do Committee work? I think that practice may be followed.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair hopes that Leaders of Parties and the Government Members will take up this question and discuss it.

The question is:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight members to be members of the Committee on Public Accounts."

The motion was adopted.

ELECTION OF THE FUEL OIL COMMITTEE.

The Honorable Sir George Schuster (Finance Member): Sir. I beg to move:

"That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a Committee consisting of six Members of the Assembly to which shall be added two Members of the Assembly to be nominated by the Governor General for the purpose of calling for and considering reports as to the working of the rules made by the Central Board of Revenue under section 195-A of the Sea Customs Act, 1878, and as to the effect upon agricultural and small industrial users of fuel oil of the duties imposed by the Indian Tariff (Second Amendment) Act of 1933, and of making such recommendations thereafter as they may think fit."

I would explain that this motion is moved by me in accordance with the undertaking that I gave while the Tariff Bill was being discussed last Session.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a Committee consisting of six Members of the Assembly to which shall be added two Members of the Assembly to be nominated by the Governor (General for the purpose of calling for and considering reports as to the working of the rules made by the Central Board of Revenue under section 195-A of the Sea Customs Act, 1878, and as to the effect upon agricultural and small industrial users of fuel oil of the duties imposed by the Indian Tariff (Second Amendment) Act of 1933, and of making such recommendations thereafter as they may think fit."

Mr. F. E. James (Madras: European): I desire to oppose this motion formally, and, in doing so, I am very anxious that my attitude should not be misunderstood by my Honourable friends on the other side of the House. The objection I take is mainly a technical one and has nothing to do with the undertaking that the Finance Member gave when the Bill in question was discussed on the floor of the House. I certainly do not object to any enquiry into the working of this particular Act so far as it affects the interests mentioned in the motion, but my objection is based upon two grounds. The first is that the election of a Committee of this character to watch the operation of a particular Act is a dangerous precedent and there seems to be no reason why, if this principle is adopted in regard to this Act, it should not be adopted in regard to the hundred and one Bills that are shortly to come before this Assembly all of which are bound to affect in some way or another either the consumer or the agricultural interests or the interests of small industrialists. There seems to be no reason if this principle is accepted, why every Tariff Bill should not have a Committee elected to watch the operation of that Bill, and indeed certain Finance Bills that have received the sanction of this House in the past should also have had their Committees elected to watch the operation of those Bills. So, my first objection is that it sets up a precedent which in the interests of the proper working

Mr. R. S. Sarma (Nominated Non-Official): May I say that, far from setting up a precedent, I think it is only following a precedent which the Honourable the Finance Member explained last time?

Mr. F. E. James: I think it sets up a dangerous precedent in that, if it were followed to any great degree in the future, it would make the working of this institution a very difficult matter indeed. My second objection is on the ground that there already exists as an important institution of this House an appropriate Committee to which this reference should be made. There is in existence a Standing Committee on Industries and Labour. It is a Committee which is elected by this House. It consists of a majority of the elected Members of this House. As far as I know, its work has been carried on in the past satisfactorily, and, in fact, there has been criticism raised on the floor of this House from time to time that this Committee, which is a standing institution of this House, has not been used adequately in the past, and I should have thought that, if an enquiry ought to be made in regard to the operation of this particular Act, that enquiry should properly have been directed by the Committee on Industries and Labour. Therefore, I raise this formal objection in order that this point may be made at this stage. I quite appreciate the position of the Finance Member who gave an undertaking to this House and I should be the very last to suggest that he should renege from that undertaking and indeed we should not do more than make this formal objection at this stage. But I do invite the Honourable the Finance Member's attention

to the two points that I have made and suggest to him that he do not commit himself to a principle which, if followed in the degree to which it is now being followed in respect of this particular Bill, would involve us in a large number of Committees set up by this House to watch the working of individual measures.

The Honourable Sir George Schuster: I would only like to say this. I quite appreciate that there is a good deal in what my Honourable friend has said. I will only say in reply that it would perhaps have been more advantageous if he had made these points when I made the original suggestion of having a Committee. Then the House would have been able to consider the implications. My Honourable friend considers that a dangerous precedent may be set up. Well, I think that what he said is worthy of attention, but I would point out that we are to some extent working experimentally in these times. We have rather peculiar conditions in this Assembly, with, as we are always being reminded, an irremovable Government and an Opposition which never has the opportunity of assuming responsibility. In these circumstances, if the Government make efforts in various ways to show that they are responsive to the Opposition, then I think that those experiments perhaps are not entirely wasted. But, on the other hand, we must recognise that they are experiments and that they should not be regarded as creating unalterable precedents. That, Sir, is all I have to say.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a Committee consisting of six Members of the Assembly to which shall be added two Members of the Assembly to be nominated by the Governor General for the purpose of calling for and considering reports as to the working of the rules made by the Central Board of Revenue under section 195-A of the Sea Customs Act, 1878, and as to the effect upon agricultural and small industrial users of fuel oil of the duties imposed by the Indian Tariff (Second Amendment) Act of 1933, and of making such recommendations thereafter as they may think fit."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): I may inform Honourable Members that nominations for the purpose of election of members to the Committee on Public Accounts and the Fuel Oil Committee will be received in the Assembly office up to 12 Noon on Friday, the 2nd February, 1934, and that the elections, if necessary, will be held on Monday, the 5th February, 1934. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, and these will be held in the Secretary's room as usual.

THE SEA CUSTOMS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move for leave to introduce a Bill further to amend the Sea Customs Act, 1878, for a certain purpose.

This is a short measure and I think its objects are clearly explained in the printed Statement of Objects and Reasons.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Sea Customs Act, 1878, for a certain purpose."

The motion was adopted.

The Honourable Sir George Schuster: Sir, I introduce the Bill.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Bill further to amend the Imperial Bank of India Act, 1920.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, the white elephant of the Reserve Bank of India has just passed out of the Legislative Assembly. It has gone with its tusk, trunk and tail. But, with its tail, is tied another white elephant,—a bigger and older elephant—which has been existing for a long time and has been trampling upon the Indian commercial and industrial field, and that is the Imperial Bank of India Act. We are now considering the Bill to amend the Imperial Bank of India Act. As the Honourable the Finance Member said, it is purely a consequential Bill. It may be a complementary or a supplementary Bill to complete the Reserve Bank of India Bill. But we have two Reserve Banks instead of one. I am sorry I was not here yesterday to listen to the speech of the Honourable the Finance Member in moving this motion, but I was told that it was a very brief speech. He said that it was merely a consequential Bill.

In order to enable the House to understand the full implications of the measure, I shall explain, as briefly as I can, some of its salient points. First of all, we have got in clause 12 an amendment of section 28 of the original Act, the Imperial Bank of India Act of 1920. That is a very important section which constitutes the Board and here I may say that, in spite of some protest, though a mild protest, raised by the Imperial Bank of India representative before the Select Committee, the Honourable the Finance Member said that we must stick to our guns and the important point concerned in it was about the constitution of the Central Board. Under the old Act, we had only the Presidents and Vice-Presidents of the three Local Boards on the Central Board. That is, we had only six elected representatives on the Central Board, but, under the new amendment, we are going to have three elected members from each Local Board. That is, nine out of the Directors who have been elected by the shareholders. They will sit on the Central Board and, consequently, the four nominated members of the Government will be reduced from four to two, though the total number of voting Directors will be the same as formerly and the total number of Directors will be the same, that is, 16 as formerly. This is a distinct improvement in the Bill that we shall have nine elected Directors on the Central Board and there will be two less nominated Directors who generally find it always convenient to follow the lead of the Government. That is, one of the important improvements that we have got, but formerly we had the Controller of Currency as a permanent Director. He has been removed from the Central Board. Instead of him

a liaison officer is proposed to be introduced, but I do not find any Statutory provision in the amendments for bringing him on the Board. He can probably come as a spectator to listen to the discussions. He will have no vote. He can probably go back to the Government and make a report, but I do not know what action the Government can take especially as they have, under clause 4, removed one of the important sections of the Act, I mean sub-section (2), section 10, under which it was open to the Government to issue instruction to the Bank and call for any explanation or any information they wanted, and, in case the Bank failed to comply with the request, it was open to the Government to terminate the agreement. I do not think the liaison officer will have any such control or the Government can exercise that control through that officer as they could under the old Act under which the Controller of Currency was a Director on the Board.

Another change that has been made is that, instead of two Managing Governors, there will be only one Managing Director. The Directors of the Imperial Bank, who formerly were called Governors and thus were liable to be confused with the other Governors of Provinces, will hereafter be known only as Directors, and hereafter there will be only one Managing Director and not two. But there is a little retrograde step taken in two directions in the matter of the constitution of the Board. One is that, formerly the Governor General in Council used to appoint the Managing Governor, but hereafter it will be only the Central Board of Directors who will do so, and as I have got some practical experience of banking, I can say that usually when the Managing Director is appointed by the Directors, they naturally elect a man who is likely to be very handy and convenient to them. It is always best that the appointment of the Managing Director should not be left with the Board whom he may have to oblige in some respects in the matter of advances, etc. The other defect in the constitution I shall take up later on.

Another direction in which there is an improvement over the old Act is regarding the supply of copies of the principal registers of shareholders. It has been much complained that the Imperial Bank, in the past, has not made available its shareholders' registers so easily as the shareholders desired. Hereafter, under the new amendment, the principal registers of shareholders will be kept with the Registrar of Joint Stock Companies and I hope that it will be carried out not only in the letter, but in the spirit also. What I mean is that it is open under the Imperial Bank Act for that Bank to have a register at any particular office. As such, it is just possible that the principal registers may be available only at one place in the whole continent of India. I hope the principal registers will now be available at all the important stations wherever the Imperial Bank has got a Local Head Office. At present the Bank has three Head Offices at Bombay, Calcutta and Madras, and the Act authorises the establishment of further Local Offices and I hope all those Local Offices will be supplied with the copies of the principal registers of shareholders and the shareholders will be given free access to those registers so that they can take concerted action and thus they can protect their interests in the future, better than they have been able to do in the past. Then, another change has been made, namely, that the Imperial Bank shall no longer be the bankers to the Government of India; they will be merely agents of the Reserve Bank of India, and, as they are going to be merely agents, certain provisions and safeguards, which were provided in the old Act, have been removed, but indirectly they will be practically doing the same kind of business as in the past except in four or five places where the Reserve Bank of India is going to have offices immediately. Another direction in which a good change has

[Mr. Vidya Sagar Pandya.]

been made and which suits the needs of the country is that the period for bills and accommodation which was formerly limited to six months has been enlarged to nine months, and hereafter the public will have greater facilities and will have a little longer credit than in the past. These are some of the good points which I wish to draw the attention of the House to; thus the Joint Select Committee have been able to make some improvement in those directions.

Now, I shall refer to some points in respect of which it must be said that, instead of improving the Act, they have unfortunately made the position worse than before. First of all, under clause 4 (2), the power to issue instructions to the Bank and to terminate the agreement in the event of the Bank disregarding such instructions is no longer directly with the Governor General in Council. Now, I do not see why the Government should give up their right to issue instructions and call for information and their right to terminate the agreement between the Banks if the Imperial Bank does not work properly. Of course I know a certain clause is inserted in the agreement between the Imperial Bank of India and the Reserve Bank of India to some such effect, but, in spite of that, I think the Governor General in Council should reserve his power to issue instructions to the Bank and call for any information direct, and, should those instructions not be carried out properly, he should have the right to terminate the agreement.

Then, under section 15 (1), (b), of the Bill, debentures or other securities for money issued under the authority of a Prince or a Chief of a State in India can be taken for making advances by the Imperial Bank of India. I do not know what is the legal position, but it is said that it is always risky to make advances to any Indian Prince or State, because, under certain provisions or treaty rights, you cannot sue a Prince in any British court of law. As such, it will be for the Honourable the Finance Member and the Imperial Bank to see to what extent it will be possible for them to enforce the re-payment of such loans as we are allowing the Imperial Bank to make advances on a new kind of security now.

Then, the most retrograde step which has been taken in connection with the Imperial Bank is in respect of proxies. Under the present regulation No. 25, which provision I do not think appears in any other important bank, so far as I know, in India, it is possible for one member,—he may be the Secretary, the Managing Director or a single Director,—if he holds a certain number of proxies, to carry on a meeting without the presence of the prescribed number of shareholders. One shareholder, whether he is a Director or a Secretary or whosoever he may be, can carry on the annual meetings or special meetings,—as long as they are properly called—without the presence of any other shareholder. They can have a meeting without a quorum prescribed for shareholders who must be present in person. There is no such quorum fixed. The quorum is a shareholder and proxies numbering about 200 in all.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): If there is only one member, there cannot be a meeting.

Mr. Vidya Sagar Pandya: It is a duly constituted meeting if it is attended by one shareholder who holds in his pocket or in his hands a number of proxies which are required under the Act. One is quite enough.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): How will he propose and second?

Mr. Vidya Sagar Pandya: He can do both. There is nothing to prevent him to do that under the Act. As I have already explained on two previous occasions, very few shareholders attend the meetings, and, under the proxy system, it is open to a few members to carry on the meeting under the name of all the shareholders. As I was telling the House, the Registrar of the Joint Stock Companies in Madras insists now, whenever any memorandum or articles of associations of any institution are sent to him for filing that at least 20 shareholders should be present in person before a meeting can be called a duly constituted meeting.

Mr. S. C. Sen: Under what provision?

Mr. Vidya Sagar Pandya: It is under the provisions of public safety and in the interests of securing the rights of the shareholders who have invested their money. It is under the provisions of commonsense.

Mr. S. C. Sen: The Registrar of Joint Stock Companies is a mere post office.

Mr. Vidya Sagar Pandya: He is doing good service and we need not find fault with him. Under clause 25 of the Bill, in the case of a power of attorney previously deposited or registered, a certificate of the Secretary of a local Head Office will be enough and the shareholders cannot scrutinise them when a poll is demanded, and a scrutiny officer is appointed as in the case of the Joint Stock Companies. This is bad enough, but, under clause 34 of the Bill, the Managing Director, the Deputy Director or the Secretary or such other employee of the Bank, as the Central Board may authorise, are severally authorised to execute proxies and vote at meetings on behalf of the shareholders from whom the Bank holds general power of attorney. This shows clearly how anxious the Directors are to whip up the proxies to secure election of themselves, their partners or friends as they like. In the Reserve Bank of India Bill, under clause 9(2), and similarly, under clause 14(3), it has been provided that the proxies shall not be held by an officer or an employee of the Bank. We have put a very salutary provision in the Reserve Bank of India Bill, but we have got quite a contrary provision in this Bill. The result would be an undue influence of the Directors in elections securing the proxies as has been pointed out by the Bombay Shareholders Association in their able memorandum which they submitted to the Joint Select Committee. I am sorry that this memorandum escaped the notice of the Joint Select Committee, but I am glad that my friend, Dr. Ziauddin Ahmad, has brought an amendment to minimise the evil and I hope the House will take that amendment into consideration when it comes before it.

Now, Sir, I come to another point and here I would like to refer only briefly to what I have already said about the liaison officer and the removal of the Controller of Currency. This is a retrograde step in the wrong direction. Now, Sir, the public has been under the impression that the Directors attend the meeting more frequently than is provided in Regulation XLII, which says that they will have a meeting not less than once in three months. But as the Central Board of the Imperial Bank of India

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had represented to the Select Committee that it was inconvenient to hold meetings of the Central Board as frequently as once in three months, they have made it once in four months, which goes to show, as my Honourable friend, Mr. Mody, feared they meet once in six months only. I wonder what would be the control of the Central Board if they meet only once in four months or if they hold a formal meeting for merely complying with the requirements of the Act. In all important and leading Banks the meetings of the Directors are held more than once a month, but here we have got the request that the law should provide that they may meet once in four months. The control of the Directors is practically very little, and, as such, we should have rather gone the other way and insisted on the Directors meeting more frequently. Then, Sir, the control of the Government, as I have already pointed out, has been removed, and the Directors are going to meet three times a year. Practically the Bank is left to the executive officers to carry on the business as they like or think best. The public has been under the impression that it is a Government Bank where Government have got good control and they look to the interests of the public as well as of the shareholders. The Directors are supposed to be doing their duty. But, under the new Bill, the control of the Government is being removed and the Directors' control will be still less. It should be a warning to the public. It will be for the public hereafter to see whether they can regard the Imperial Bank as the Government Bank under which impression they have been doing business with the Bank in the past.

Then, Sir, I come to the next point and that is about its being made a more formidable competitor against the other Banks in the country. The Bank was working under certain safeguards and, under the new Bill, a number of restrictions have been removed. They can do business beyond India and Ceylon. They can enter into contracts of indemnity, suretyship and guarantee. They can act as administrators of States and trusteeship is allowed. Therefore, they will become formidable competitors to the other Indian Joint Stock Banks.

I do not wish to say anything about the drafting of the Bill, but I did suggest at the Simla Session that the redundant sections should be removed and the whole Act should be re-drafted so that it may become

12 Noon. more clear to the public. The Government thought that it was too big a task, that it would take a long time to undertake the same and that it might be taken up some other time, and, as such, the Act continues to be in as bad a state and in as bad a language and in as unintelligible a way as things could be expressed. Let us hope that a change will be made on some other occasion.

Then I come to the question of Indianisation of the Imperial Bank. It was thought that when the amendment of the Imperial Bank Act is taken up, there will be some Statutory provision by which there should be more Indianisation of the Bank both in the constitution of the Boards as well as in the appointment of the officers. In the Reserve Bank of India Bill, an amendment to have 75 per cent. of the Directors being Indians was defeated and no such provision is also found in the Imperial Bank Bill. As I have pointed out on several occasions, a majority of the Directors of the three Local Boards as well as on the Central Board are Europeans. As such, the interests of the Indian public have not received that adequate attention as it ought to be in the case of a Bank which is

practically a Central Bank for India even now. Though we have got the Reserve Bank as the Central Bank, practically the Reserve Bank and the Imperial Bank will both constitute Central Banks for India and as such it is necessary that national institutions should have a majority of Indian Directors and a majority of Indian officers. As I have pointed out on previous occasions, the total number of Indian officers is only 36 as against 237 European officers. While the salary of Europeans comes to Rs. 8,18,159 per month, the salary of Indian officers comes to Rs. 27,931. If the House were to read the official organ of the Imperial Bank of India Indian Staff Association, I mean the *Bank Worker*, it will find the woes of the Indian officers as well as of the subordinate staff, and what we find there is that distinctions are made in the matter of pay and allowances and status in the grade between European and Indian officers. I will take the liberty of reading a small extract from one of the memorials submitted by the staff Association of the Bank.

"After the amalgamation of the three Presidency Banks, a few Indian senior clerks of the Bank of Bengal were promoted to the rank of Officers-in-charge and placed on a footing of equality with the European officers. Their pay is Rs. 500 rising to Rs. 1,250 by an annual increment of Rs. 50. They get a branch allowance on a sliding scale so as to make the total of such allowance and their substantive pay for the time being equal to Rs. 800. Although the Indian officers have been long in service, are thoroughly experienced and run their branches satisfactorily, they are required to pass an examination in English composition in their advanced age, which is a great hardship to them. The number of such Officers remains almost the same as it was in 1921, though the number of Branches and Indian Officers has increased. The Indian employees when promoted to Staff Officers' grade have been transferred as Accountants or in similar capacities but not as Officers-in-Charge and were thus deprived of the Branch allowance. Instead of Officers-in-Charge, Assistants-in-Charge are put in charge of branches on a lower scale of pay (Rs. 400 rising to Rs. 750 by annual increments of Rs. 50 and a free furnished house or a house allowance of Rs. 100 per month in lieu thereof). Assistants-in-Charge get no branch allowance; moreover, if an Assistant in-charge is no longer in charge of a branch, his pay, if over Rs. 400, comes down immediately to that figure; and, strange to say, even when he is promoted to the grade of staff officers, he must begin on Rs. 500, though he might have been drawing much more when promoted. Indians have been more freely appointed as Assistants-in-charge than as officers-in-charge, which suggests a distinction in the treatment of the European and the Indian Officers by the authorities inasmuch as the more highly paid posts seem to be almost reserved for the European officers. A glance at the Agents' list will further bring out the fact that in every case of a European Agent or officer-in-charge of a branch there are one or more sub-accountants or 2nd grade assistants to help him but when an Indian is in-charge generally he has no such assistant but does the work of two or more himself. An Assistant-in-charge has the same responsible duties and has to display the same ability and efficiency as an officer-in-charge but his scale of pay is less, though he has no assistants as shown above."

It has been said that there has been a certain amount of Indianisation in the Bank, but it is a peculiar Indianisation, for it has been found that they always so manage things that no European officer works under an Indian officer. In Government service, we find a number of European officers working under Indian Ministers and Indian Executive Councillors, but, in the case of the Imperial Bank, they do not allow any European, even a subordinate, to work under any Indian officer. As soon as an Indian officer in the Imperial Bank rises in the scale of his service and when the time comes for him to be put in charge of an important branch, then he is shifted to a smaller branch so that the European assistants may not have to serve under an Indian officer. I wonder what kind of Indianisation this is if Indian officers are not to control the European officers or staff under them. There have been instances in which a branch, which cannot afford to have an officer on a salary of, say Rs. 1,000 or Rs. 1,200, is put in charge of an Indian officer, while he properly ought to have been posted to an important branch. This is done merely to

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avoid the European assistants having to serve under an Indian officer. In this way, the Indian officer is shifted to an unimportant branch which cannot afford to bear the expense of even maintaining such an officer. As such, the full opportunity of showing their capacity and their work is not given to the Indian officers in the Imperial Bank. I should like to know whether there is a single branch out of 170 branches where there is a single Indian officer under whom a single European assistant is working, while in almost all important branches the Europeans are officers and Indians work only as subordinates. I will go even to the extent of saying that houses have been built in certain places to suit only the requirements of Indian officers, and if by chance they have to send European officers there, the houses do not suit them and they are given a special allowance and they live elsewhere. Thus the houses have been built in certain places to suit the requirements of Indians only, because they do not expect any European to go there.

Then, Sir, as I have read out, Indian officers are asked to pass certain examinations though they have much higher educational and other qualifications, while, in the case of European assistants, who are recruited from England, their educational qualifications are comparatively very much lower, and still they are not asked to pass any examination. I do not want that Indians should be exempted from any examinations, but the treatment should be alike, and both Indians and Europeans must pass the same test. It is no use prescribing a test of passing an examination of certain Bankers' Institution six thousand miles away where the law relating to banking and practice in certain respects are different from India. They should be made to pass the same examination to suit the requirements of Indian law and Indian commerce and industry. As the Indian Bankers' Institute has now been instituted in India, hereafter both European and Indian assistants should be asked to pass an examination of the local Indian Institute of Commerce instead of any other foreign Institute.

Then, there is differential treatment between Indians and Europeans in starting salary. Europeans were receiving special nursing fees, acting allowances, furlough charges, special billiard tables, and so on, facilities which are not extended to Indians. I have got here copies of the memorials of the staff, but I will not unnecessarily tire the House by reading out all these. But, I hope, what I have said will receive the due attention of the Honourable the Finance Member.

Then I do not wish to speak about the treatment that they give to the Indian public. The Honourable Raja Bahadur Krishnamachariar has told you,—it is not my statement, a statement which was characterised by the Honourable the Finance Member as coming from a gentleman who is fond of criticising the Imperial Bank,—but here is the testimony of the Raja Bahadur who told you that he wanted to see the Agent of the branch and he could not do so, on more than one occasion. It is easier for any of us to see the Viceroy or the Honourable the Finance Member or any other Member of the Government of India, but it is very difficult to see an Agent of the Imperial Bank of India.

Then, I need not here speak about the differential treatment as regards the facilities allowed to the Europeans and also the differential rate of interest charged between Europeans and Indians. It is no use giving out

any cases here, but if Government are prepared to make any inquiries, I shall be very glad to place before them cases, at least in our Presidency, where this difference is made. Not only that; from my personal experience I can say that in the matter of treatment of various banks, it is done according to the whim and pleasure of the Managing Governors and officers. If they like, they will give facilities to a particular bank, and if they do not like, they do not. The more you beg and more you cringe, the more are you obliged and the greater are the facilities offered. If you stand on your own rights and self-respect and even if you offer the best securities, facilities are denied under one pretext or another. I actually challenged the Imperial Bank and told them that in certain cases they were not giving facilities even against Government paper, while certain other institutions engaged them freely; but they never took up the challenge. They have declined to make advances against municipal debentures approved under the Imperial Bank of India Act; they have declined to lend money even against treasury bills and Government securities under the pretext of discouraging speculation. In fact, they have said plainly that there is nothing in the Imperial Bank Act under which they are bound to make any advances to any body on anything, whether it is Government security or any other security. I do not think the Honourable the Finance Member will challenge this statement of mine; I have got documentary evidence to prove it, and I shall be very glad to place it at the disposal of the Honourable the Finance Member if he cares to go into the matter.

Mr. Rahimtoola M. Chinoy (Bombay City: Muhammadan Urban): The Honourable Member, as Director of a Bank, himself knows only too well that everybody in the commercial world does differentiate between clients and clients.

Mr. Vidya Sagar Pandya: I do not know how long my Honourable friend has been on the Board of the Imperial Bank of India, but

Mr. Rahimtoola M. Chinoy: I may be there for a very short time, but I have been in the commercial line for 35 years, and my Honourable friend, as a Bank Manager, ought to know that there is great difference between parties and parties.

Mr. Vidya Sagar Pandya: But not differences of colour, caste and creed.

I will not tire the House with the woes of the subordinates of the Imperial Bank. My Honourable friend, Mr. Mitra, is not here. But he is the Vice-Chairman of the Staff Association, and I think he will deal with the matter when his turn comes. They have got their grievances about late hours, no overtime allowance and no leave rules and instability of service, and so on. I am not here to plead the case of any particular individuals; I am here to plead the case of Indians as against the foreign and vested interests.

Now, Sir, there is another thing which I had hinted on a previous occasion and that is that, when we considered the question of the Reserve Bank of India, much stress was laid on the point that it should be made a Shareholders' Bank, because the shareholders will take interest and it will be an independent body who will judge things for themselves and not be entirely led away by the Government or any political parties, and so on.

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Taking into consideration the present Imperial Bank of India (Amendment) Bill, the Amendment Bill was first laid before this House in 1927 along with the old Reserve Bank Bill. At that time, on the 14th April, 1927, a notice was issued to the shareholders that a meeting of the Bank would be held on the 8th August with a view to considering the amendments which were proposed by the Government to alter the constitution of the Bank. The meeting was held and the Imperial Bank took a great deal of trouble and placed before the shareholders a complete list of amendments and sought their advice and then a resolution was passed agreeing to the acceptance of the new terms and the modification of the constitution if certain conditions were fulfilled. Out of those five or six conditions, subject to which the shareholders had passed the scheme, two or three have been given the go-by. In certain respects, important changes have been made in the constitution which were not thought of at that time. Of course, power was given subject to certain modifications, but when certain important changes are made by them in the terms approved of by the shareholders and also in the constitution of the Bank, it was necessary that a meeting of the shareholders should have been called and the thing put before them and their sanction obtained. It might be said that there was not enough time for it; but the time question is not so important as the rights and privileges of the shareholders. The result is that the shareholders are now not consulted at all about these important changes and the terms, such as giving of 30 per cent. of the capital of the Reserve Bank to the Imperial Bank and also about certain deposits and free balances for opening new branches, have not been complied with and fundamental changes have been made in the constitution. The shareholders are not at all consulted in the matter and the whole thing has been thrust upon them; of course, it can be said that there is no option, the Government having made up their mind, it is for the shareholders to accept the terms or not.

Now, I come to the resolution moved by my Honourable friend, Dr. Ziauddin Ahmad. He wants the Bill to be recommitted to the Committee with a view to compelling the Imperial Bank to make advances against immovable property. I am sorry I cannot agree with him in that. You cannot compel a Bank to lend money against securities which in their opinion are not quite good and which even other institutions will not touch. But if the idea is, just as in the case of the Reserve Bank we have constituted a separate Rural Credit Department, that the Imperial Bank of India should be asked to finance certain mortgage banks, whether they are landholders' mortgage banks or other mortgage banks, and should be asked to place certain amount of their funds to finance them, it might be considered. But to compel them to lend to each and everybody, even within a certain limit against immovable properties, I am sorry I cannot support: it may be due to my weakness as a banker who himself does not undertake this mortgage business; but, howsoever I might be said to be hostile to the Imperial Bank, or I may not like their constitution or ways, I would not thrust down their throats business which they do not approve of, and for which, if it has to be undertaken, the constitution of the Bank will have to be radically changed before it could be undertaken. (Interruption.) It may be the bankers' spirit, but it is necessary in the interests of the general depositors whose money they have got; and if we wish them to undertake this business, then we will have to alter the Imperial Bank of India Act in certain directions; and I have not the least

objection to it if the shareholders agree and if the House wants that the Bank should be reconstituted with a view to undertaking the financing of business against the security of immovable property; but, as the Bank is constituted at present, it is entirely against the spirit and the letter of the Act to give any advances against immovable property.

I would again draw special attention—I do not know whether other Honourable Members have been supplied with the memorandum which was submitted by the Bombay Shareholders Association regarding the amendment of the Imperial Bank of India Act. (*An Honourable Member*: “Not supplied.”) It is a very elaborate and well considered memorandum. I am afraid it came too late even for the Joint Select Committee to consider it

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The other members know nothing about it.

Mr. Vidya Sagar Pandya: If they apply to the Honourable the Finance Member, I am sure, he will be very glad to supply them with a copy. It is a very good document and it is worth going through; and here I may also add that I am not a very great admirer of the Bombay Shareholders' Association: it is rather a busy body which pokes its nose into other people's affairs; I think they have specialised in making other's business their own. However, in this particular respect,

Dr. Ziauddin Ahmad: May I just ask, in view of the fact that other Members have not been supplied with a copy of this memorandum, whether the Honourable Member will read out the important portions for their benefit?

Mr. Vidya Sagar Pandya: I do not know whether I can read all these twenty pages of closely typed matter, but I shall place it at the learned Doctor's disposal during lunch time

Dr. Ziauddin Ahmad: But what about other Honourable Members?

Mr. Vidya Sagar Pandya: They will have the opportunity, during the luncheon interval, of seeing it if they are so keen about it. The Association says: “Why should the Imperial Bank of India be constituted under the special Government of India Act?” The Bank should be constituted under the Indian Stock Companies Act. This is what they say. I will read one portion:

“In their Report on the Imperial Bank of India (Amendment) Bill introduced in the Legislative Assembly in 1927, the Select Committee observed—

“We have decided, in view of the fact that the Imperial Bank of India is now being converted into a commercial bank, that there is no reason why the very important requirements of sections 132 and 136 of the Indian Companies Act, 1913, should not be observed by it.”

Before proceeding further, here I should like to give credit to the Select Committee or rather to the Honourable the Finance Member, because a great improvement has been made in the matter of making sections 132 and 136 of the Indian Companies Act applicable to the Imperial Bank. Some of the Indian Chambers of Commerce have been for a long time past urging upon the Government the necessity of bringing the Imperial Bank into line with the Indian Companies Act in certain particulars, and here is one direction in which some improvement has been

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made, and I congratulate the Honourable the Finance Member upon the bold stand he has made in this matter, because this will go a great way in inspiring confidence in the minds of the public. Here I may briefly explain how it is an improvement. All the Joint Stock Banks in the country, under the Indian Companies Act, are required to show what is the total amount of liabilities of the Directors, how much the Directors and the firms and concerns with which they are connected have borrowed money from the Bank. Now, in the Imperial Bank Act, there was no such provision, and some doubts were raised in certain quarters that the Directors were too much indebted to the Bank and the Imperial Bank had not taken sufficient care in the matter. They should have cleared the suspicion, but the Imperial Bank never cared to take any notice of these things. In future, under the new regulation, they will have to show the amount of money which the Directors and their concerns owe to the Bank, and the second part is that bad and doubtful debts will also have to be shown in future. Under the old provisions of the Imperial Bank Act, they were not required to show these details. No doubt, provision was being made by the Bank for bad and doubtful debts, but it was not necessary that the item should be shown. However, as the Bombay Shareholders' Association has pointed out, there are certain tricks resorted to. If a Director is connected with a private joint stock company which owes some money to the Bank, it has been held that the amount due from such concerns need not be shown as part of the debt due by the Director or his concern. I hope a more liberal construction will be put on it, and not only the Imperial Bank, but every Bank in the country, should be compelled to clearly show all the amount due by the Directors and all their concerns, because some of the Banks which have failed on account of the Directors having put too much of the Bank's money into their own pockets

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): They can always do it. Wipe out the liability on the last day of the first half year, and start the liability on the first day of the second half year.

Mr. Vidya Sagar Pandya: Should any of the Directors play such tricks, I think Government should be able to devise methods to stop such things and compel honest dealings. It is dishonest on the part of any Directors to have any such window dressing. If they are borrowing any money, it is not only on the last day, but it must be made compulsory to show what their liabilities have been during the course of the period for which the accounts are submitted. This applies not merely to the Imperial Bank, but it should apply to all joint stock banks in the country, and the dealings of the Directors with their banks should be fully and clearly stated.

Then, Sir, coming back to the portion I was reading, this is what they say:

"The question, therefore, arises whether it is at all necessary to perpetuate the Imperial Bank Act and as to why the bank should not be made to function under the Indian Companies Act, 1913. We would, in this connection, refer to the evidence tendered before the Central Banking Committee which conveys the impression that the *raison d'être* for the continuance of the Act is made to rest on the fact that the Imperial Bank will act as agent of the Reserve Bank. We submit this is hardly a substantial argument to justify the continuance of the Imperial Bank under a special Act. Time has now definitely arrived when consistent with the status and responsibility of the Imperial Bank it can be made to work as public joint stock company incorporated under the Indian Companies Act with its own Memorandum and Articles of Association

supplemented by a comprehensive agreement with the Reserve Bank which, among other things, should specifically provide to the effect that the agency work entrusted to the Imperial Bank is liable to be withdrawn in the event of it being proved to the satisfaction of the Reserve Bank that the Imperial Bank is not managed on sound and conservative lines."

Now, Sir, the Imperial Bank in the past has worked as an institution not in the interests of India, but in the interests of certain vested interests who exploit the country by calling it Indian business. We have seen that the Directors have not been Indian in majority. The officers in the Bank have been in a very poor minority, in fact there are only about 10 per cent of Indian officers, and that was done only during the last ten years. Therefore, Sir, no case has been made out to continue the Bank under a special Act and give a false impression to the public that the Government are watching the interests of the public as in the past. The best thing to do would be, in my opinion, though it is now too late to do so, to divide the Imperial Bank into three Presidency Banks, the Bank of Madras, the Bank of Bombay and the Bank of Bengal, as before. In that case, they would have a more manageable area to look after the requirements of the country, and the Reserve Bank could co-ordinate the working of these three institutions in the best interests of the country; it is no use running the Imperial Bank, a very important Bank, and a very formidable rival too to the new Reserve Bank, as a parallel institution; in fact the success of the Reserve Bank will depend entirely upon the co-operation or the opposition of the Imperial Bank, but I hope the Imperial Bank will render all necessary help to make the Reserve Bank a success

Dr. Ziauddin Ahmad: I mean the co-ordination should come from the Reserve Bank.

Mr. Vidya Sagar Pandya: If they are divided into three Banks, the interests of provinces like far off Madras and Burma will receive better attention than at present. Now, as it is, we are practically running on parallel lines two Reserve Banks,—one is the new White Elephant, the Reserve Bank of India, and the other old elephant, the Imperial Bank which has been trampling upon the commercial and industrial field of India and has not worked in a proper spirit so as to give full help to the trade and industries of the country. I don't say that they have not rendered any help at all, certainly they have helped certain interests, but not to the extent that they should have, not to the extent that we expected from them as a national institution of such standing with such vast resources which they possess in the shape of Government balances and prestige of Government connection, etc.

Now, Sir, I am afraid I have already taken too much time of the House, and I have probably tired the patience of some of the Honourable Members. (*Some Honourable Members:* "No, not at all. Go on.") Still I should not take any more of your time. With these words, I resume my seat.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I should like to support the motion moved by my Honourable friend, Dr. Ziauddin Ahmad. It is not with a view to criticising the Government that I do so, but my object is that something should be done by Government and by the Imperial Bank, which is now being established under a Statute, to ameliorate the condition of the peasants and the landlords of the country. It is very easy for the Bank or for the Government to say that the money will be locked up, and it is the only argument

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which the Government in season and out of season bring forward. To say that the money is being locked up, I should call it a sort of devilish plea. There is not much ground in this. The mighty Government and the Imperial Bank which is being established by this Statute can very easily afford at least a few crores simply for the purpose of ameliorating the condition of the people. My Honourable friend says that there are 46 crores of rupees in the Government securities. If even half of it is placed at the disposal of the Imperial Bank to advance money to the landlords and the peasants, I do not see that great harm can be done to the Bank or to the Government. Government take revenues from their landlords, realise rents from the peasants, and, if the money is invested in long term loans, the Government can get a high rate of interest. To say that money should be lent and that Government do not want to charge higher rates of interest—I submit that that is inconsistent. If Government are prepared to relieve the tenants and the landlords of their burden, I am sure that all this talk about revolutionary propaganda in the country will disappear. Government ought to realise that this feeling is growing in the country. Mere dropping of leaflets from aeroplanes will not do; some more solid and substantial steps must be taken to ameliorate the condition of the peasants and the landholders. The Constitutional Reforms will not help so much the tenantry or the peasants or the poor people of India or the landholders even. We sitting here may have any Constitution, but we have to look sincerely and honestly to the condition of the masses. If a single landlord takes up into his head that his people should not pay rent or he should not deposit his dues with the Government the Government will at once come down upon him and say that the man has turned a Bolshevik. But I would say that the Government themselves are driving people to this Bolshevism. When the tenants are in a terrible calamity, the Government will have to do something. Let, as I said, some higher rate of interest be charged. We know that there is enough money lying in these Banks, and they do not find investments. A very low rate of interest is being charged and the result is that the money is not earning. The Government can, just as they realise rents and revenues, also realise the interest on the investments from these big landholders, especially such landholders as the Taluqdars of Oudh, the landlords in the Punjab and even the Indian Princes who are on a legislative basis. It is the duty of the present Government to ask the Imperial Bank to form some sort of organisation just as the Government are having a rural uplift organisation through the Reserve Bank. Where there is a will, there is a way, but I am sure the Government are absolutely callous and apathetic, simply because the landlords and tenants have not so far united among themselves. But, I say, that the day is not far off when, under the pressure of their debts, they will unite together. I hope that Government will take some salutary action in a prompt manner.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I do not believe that any useful purpose will be served by recommitting this Bill to the Joint Select Committee. As I understand it, the position of the Imperial Bank is this. With the advent of the Reserve Bank, when the public debt and the management of Government revenues will be entrusted to it, the Imperial Bank reduces itself to the position of an ordinary commercial bank. Sir, so far as the Government and the public are concerned, we need bother ourselves only with the

solvency of the Imperial Bank so that it may be in a position to carry out the agency duties of the Reserve Bank. In other words, the Bank becomes an ordinary private concern and it is left to its Directors and its shareholders to come forward in the light of their experience with proposals for the amendment of the Imperial Bank Act. We, as Members of the Legislature, would say that Government would be doing well not to unnecessarily interfere with the provisions of the Imperial Bank Act. We should not also lay down conditions which will affect the solvency of the Bank. I am afraid, the proposal embodied in clause 15 (b) and the proposal made by some Honourable Members to give loans to landlords will be of that character. I have given notice of an amendment to delete clause 15 (b) which enables the Bank to give loans on the security of debentures and other securities authorised by Indian States on the recommendation of the Government of India and, while moving it, I shall deal with that, but, in connection with the proposal to give loans to landholders on immoveable properties, I must say that it is bound to be a very risky affair. My friend, Mr. Pandya, has already said that loans on immoveable properties should not be given. It is against the rudimentary principles of sound banking that loans should be of a short term character. As a landholder, however much I may like that the landlords should be given facilities for finding money to enable them to pay Government and other dues, it would not be desirable to specifically provide here for the advance of loans on landed properties. There are already provisions to enable the Imperial Bank to give loans on the security of commodities. If any landholder wants loans on commodities, it is quite possible, under the terms of this Act, to get them from the Imperial Bank. I know the Bank does it in Madras. Suitable amendments have also been made to enable the co-operative banks to take loans from the Imperial Bank and there is a provision to extend the term of the loans to nine months as has been provided for in the Reserve Bank. Sir, there is another aspect of the question to which I want to invite the attention of the House, and it is this. In the return for the week ending the 5th January, 1934, of the statistics of the Imperial Bank, we find that on the liability side the public deposits of the Bank was six crores of rupees and the other deposits amounted to 74 crores. On the whole, the deposits amounted to the fabulous amount of 80 crores, while, if you look to the asset side, you will find that the loans and cash credits given to private people amounted only to 18 crores. The Bank has, on the other hand, invested on Government securities 46 crores and have provided advance to the Government on the ways and means side to the extent of nearly 4½ crores. On the whole, the money advanced to Government, both on the investment and securities and on the ways and means account, comes to about 50½ crores of rupees. I presume that so much has been invested in Government securities for lack of other safe investments. I am sure there are sufficient avenues of proper investment in this country itself. The money belongs to the people of this country and I am anxious that the whole of it should be invested in such a manner as will foster the economic well-being of the country. Of course, there are new provisions which enable the Bank to deal with exchange and such things. It is apprehended, they might be used to benefit the foreign trade. The whole money ought to be invested in this country and there is enough scope in the Bill itself to do that. I hope sufficient pressure will be brought to bear upon the Directors of the Imperial Bank to have these things looked into. With these words, I support the motion for taking the Bill into consideration.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): It is unfortunate on my part as a landlord to stand up to oppose the consideration stage and to support the amendment moved by my friend, Dr. Ziauddin Ahmad, but I am convinced that if I can place facts before the House, it will support the motion which has been moved by my friend. Only two or three days ago, we had a Tariff Bill intended to give protection to national industries and commerce. Why should we not attempt to ameliorate the condition of the land-owning classes in India. By the words "land-owning classes", I do not mean only the big landlords, I also include the peasants who possess lands as well. There have been attempts and very honest attempts to help the commercial people and the industrial people of this country and the Imperial Bank is helping them to a great extent; but what has been done to help the landlords and peasantry. The bankers and Sir George Schuster may say: "This thing can be easily done by the creation of Land Mortgage Banks". I quite appreciate it, but no one knows how long it will take to create those banks. As for instance, if I need Rs. 5,000 for contributing to the relief fund for the recent calamity of Bihar and if I have no ready cash and if I ask the Imperial Bank for the money on the mortgage of my land saying that I will pay it back in six months when I will get the full collection, the Bank will say: "Well, it would have been a pleasure to lend you the money, but we regret we have no power to give money on land." It might be sometimes possible for the big landlords to get money on personal security, but it will be very difficult for the smaller landlords and specially the peasants class to get the money for short terms on land. When the Imperial Bank is a Statutory Bank, when they get the privilege of transacting business with the money collected from revenue, why should not the Imperial Bank invest money on short terms to the smaller landlords and poor peasants? We have got permanent settlement in Bengal and we have got to pay revenue before sunset; there is the sunset law. Sometimes the collection is so poor that we cannot meet even the revenue. I will tell you my practical experience.

During the Puja days, I used to collect generally fifty to sixty thousands of rupees, but this year my collection is only
 1 P.M. Rs. 6,000 to Rs. 7,000, whereas I have to pay up Rs. 15,000 to Rs. 20,000 as Government revenues in instalments and again Rs. 12,000 or Rs. 13,000 as cess. Tenants are not giving us money and we cannot approach for this small sum other zamindars to stand for collateral security, and if we go to the Bank, they will say: "Well, we are only empowered to pay money on collateral security". They might possibly allow investment on my personal security in the individual case, but never in the case of those landlords with whom they are not so well-acquainted. Now, we have got no other business except Zamindari. Sir, in this country, where 75 per cent. of the population are agriculturists, the landlords are really the buffer between the order and the anarchy, and, if that be so, why should not the landlords get some little privilege through the Bank which is established by Statute? Sir, this is no exaggeration, and look at the poor condition of the landlords. There are certain items of expenditure which the landlords have to incur in any case, whereas, in the case of business men, that is not so. I am speaking from experience of Bengal, where the revenue is the lowest. I am speaking of Bengal, where we have got the permanent settlement and where it is said the revenue is less. Now, a landlord, with an income of a lakh of rupees, has to pay a minimum of 25 to 35 per cent of his income to the Govern-

ment as revenue and cess. Then, another 30 per cent is swallowed up in maintenance and costs, and then in Bengal we have got the Tenancy Act under which the landlords, in order to keep up their rights over the land, have to file suits against the tenants, because there are always arrears due from the tenants and if, after the completion of the third year, a suit is not filed against the tenant, the entire right over the rent falls through. Then, there are other items of expenses, such as court-fees, etc., which come to not less than 15 or 20 per cent. Even against the wish of the landlord, he has to file a suit legally simply to maintain his right. All these expenses come to 65 per cent. Then every landlord in Bengal has got some liabilities and he has to meet those liabilities—and they come to at least 20 per cent. Then there are public charities. The Collector comes round, presides over some meeting; draws attention to some work to be done, asks for the landlords' patronage and help, and that cannot be refused, because, it is a known fact that every landlord has to satisfy the District Magistrate, the District Judge and other officers in the interest of their own administration. So, generally speaking, what is left to the landlord? Not even 20 per cent. of the income. Now, if the realisations from the tenants come to 20 per cent. or 30 per cent.—and I can challenge anyone to disprove what I say, namely, that in the last five years the Bengal landlords are not collecting more than 30 to 40 per cent. from their tenants, whereas they have nevertheless to incur certain obligatory expenditure which cannot be ignored, how can they meet their both ends? I ask, is it not then incumbent on the State to do something for them? Where are the landlords to get the money from? If they go to *Sahukars* then there are also other charges to be initially incurred,—mortgage expenses, stamps, court-fees, and then also they have to borrow at high rates, and, even then, Sir, they cannot get the sufficient amount which they want. Sometimes the interest is so high that it comes to about 20 per cent. per annum. Thus, the landlords are gradually dwindling away. I take the liberty of warning the Government at this stage that if they do not stand by the landlords in their dire distress, if they do not help the land-owning class in ameliorating their financial condition and if the landowning classes are ruined, then the Government will themselves invite revolution, chaos and acute communism which will destroy and wash away the very foundation of systematic administration and leave the country in the blaze of disorder and anarchy.

Sir, the landlords at all events stand by the side of the Government, simply because of their stake in the country, and if that stake is lost in this way by the Government, I think they will hasten their own calamity and invite their own destruction. Chaos and communism will reign supreme throughout the country. I tell the Government very plainly in this House that the landlords are the only stable elements that stand between anarchy and the systematic administration, and it is against the vital interests of the Government themselves to ignore the landed interests in this way.

Now, I do not want the Imperial Bank to give us long-term loans, but we only want short-term loans, and we do not seek any preferential treatment. We press only our legitimate claim for the identical treatment accorded to the other commercial and industrial classes. We want money for short terms. If it is urged that after the completion of the short term if the landlords do not pay the money, what happens? The money is blocked! But how long? To the extent of five years at the most if the Bank is to fight in the Court. Take the case, which is known to everybody

[Mr. D. K. Lahiri Chaudhury.]

in India, I believe, of the Galstaun affair, which is an illustration of how much money has been blocked on personal security, and which story is very familiar to everybody. Crores of rupees are blocked there. If so, what will be the amount of money which will be blocked in this way if the Imperial Bank invest loans on the mortgage of land? It will not exceed Rs. 10 to Rs. 12 crores for the whole of the country. Surely, the Imperial Bank are quite capable of keeping that amount of money being blocked for five to six years. It has been clearly shown that Rs. 40 crores are given away on Government securities and that at least 10 to 12 crores from that amount remain always unrealised. Then, again, we do not seek to introduce any compulsion on the part of the Bank to grant such loans; at least if there is some provision of a permissive character and not of obligatory character, then I think in some cases at least some landlord will get relief, and then something will be done. Bearing in mind that out of 40 crores on Government securities if 10 crores are invested, then it will secure some relief to the landlord class. Even supposing the Bank has to file a suit due to non-payment of the loan on the completion of the short term, at the most that can continue for five years. May I ask the Honourable the Finance Member whether the Imperial Bank is not capable of standing that amount of money for five years only? Moreover, the Directors will invest only to their capacity. They will certainly calculate whether the amount which they will invest will be realised after six months or not! There is no compulsion to lend money on such loans, but simply the suggestion is put forward that if there is a provision inserted in this particular Bill, then in cases wherever they find it necessary or find that there is sufficient ground or sufficient scope to invest money in this direction, they can be empowered to do so; we are not seeking for any compulsion on the Imperial Bank, although in the case of commercial deposits that is so, but it is not so in this case. We simply ask for an option to be exercised; and I do not find any reason why Government should object to this principle. We are not asking for long-term loans, but for short-term loans, such as they generally grant to other sections such as the commercial and industrial people. I urge, why should not the same treatment be extended towards a section of the people of India who hold such strong securities and have such real stake in the country and who alone stand between anarchy and the administration?

My friend, Mr. Thampan, who is himself a landlord,—I don't know whether he wanted a feather on his cap by his speech,—said that, though he was a landlord, he did not want the Bank money to be invested on land. He wanted loan to be given on commodities. But I may tell him that this is not the case in Bengal. There we do not receive in kind, but in cash. We do not get grains from the tenants in exchange of their rent, but we get rent in cash. Where shall I get the commodities to place as securities?

Mr. N. M. Joshi (Nominated Non-Official): What do you want the money for?

Mr. D. K. Lahiri Chaudhury: At least to pay the revenue of the Government. We must have enough money to meet the day-to-day difficulties which we all feel. Now, my point is this. Do not the Imperial Bank themselves utilise the money which they get from the Government? And is it not the landlords who pay the revenue to Government in this country? Even the Government borrow from the Imperial Bank. What have the

poor landlords done that they should be deprived of this privilege of borrowing the money from the Imperial Bank on land? Do they not possess lands and stakes in the country and do they not help the Government in season and out of season? This ought to be treated as good security to lend them money? The Imperial Bank is always willing to advance loans to Tom, Dick and Harry which may go up to crores of rupees on personal securities. Sir, this is not fair. Those who have got property in the country cannot fly away with their bags and baggages, and yet they do not get the same privileges from the Bank as persons who have no security in the country get. After all, what is this Bank for? This Bank is established to help the people in general. And who are the people? 75 per cent. of the people are agriculturists, and if they do not get any advantage of at least short term loans on their land, then what is the use of this Statutory Bank or the Reserve Bank or even of the fiscal autonomy? They are all nothing short of nonsense. I think the landlords and those who own land have a legitimate right to get financial assistance from the State, and it can be done through the Imperial Bank. With these words, I wholeheartedly support the motion that has been moved so ably by my friend, Dr. Ziauddin Ahmad.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

LETTER FROM H. E. THE VICEROY CONVEYING THANKS FOR ASSEMBLY'S CONTRIBUTIONS TO THE EARTHQUAKE RELIEF FUND.

Mr. President (The Honourable Sir Shanmukham Chetty): With regard to the generous response made by Honourable Members of the House to the appeal of His Excellency the Viceroy for contributions to his fund, I have received the following letter from His Excellency:

"My dear Mr. President,

I would ask you to accept for yourself and to convey to all the Honourable Members of the Legislative Assembly my very sincere thanks for the generous manner in which they have supported the appeal for funds which I have made on behalf of the sufferers in the recent earthquake. From the information already available, it is evident that the damage which has been caused in Bihar alone amounts to several crores of rupees and therefore, we shall require all the money that we can collect in order to provide relief. I am thus all the more beholden to Honourable Members for their prompt and generous response to my appeal.

Your sincerely,
WILLINGDON."

(Applause.)

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): Sir, the Bill, as emerged from the Select Committee, has met with more or less general approval on broad lines and, if there are any differences of opinion, it is in certain matters of detail. The most important objection taken to the

[Mr. Bhuput Sing.]

Bill, as amended by the Joint Committee, was by the Honourable Mr. Mehrotra, a member of the Joint Committee, who appended a minute of dissent. He objects to the proposed suggestion in the Joint Committee Report that loans should not be advanced on the security of immovable property. My friend, Mr. Mehrotra, has adduced very strong reasons in favour of the advance of loans on immovable property which will give a great relief to the landholders and zemindars as a class and especially to the zamindars of Bengal, Bihar and Orissa and other parts of India where the permanent settlement exists. In times of failure of crops and for other reasons the landlords are unable to collect anything from their ryots, whereas they are to pay the Government land revenue on the fixed date. Even at the present moment, the zamindars are in an unenviable position, as they cannot get loans except at a very heavy rate of interest, and if Banks like the Imperial Bank are made to advance loans on landed properties, it will be a great relief to the zamindars to get ready money at cheaper rate of interest to pay the Government revenue. In the absence of such an advantage, the zamindars are to borrow from private agencies at a very high rate of interest which in some cases prove ruinous to many ancient families. But, Sir, in spite of all this there is another side of the picture to this question. If it is made obligatory or even optional on the part of the Bank by this Bill to advance loans on landed properties in India, I think the real business of the Bank, will be stopped, because, in the course of a few years, the major portion of the Bank's capital will be locked up in immovable properties and the Bank, instead of remaining a Bank, will be changed into a monopoly landholder in the major portions of India like the late East India Company. Further, there are other difficulties as well. Let us imagine a picture when 50 landlords want advances from the Bank on a certain particular date and the Bank is not in a position to advance loans to all of them, and naturally they will have to refuse to advance to some of them. It will bring in favouritism and nepotism which I for one desire to avoid. Even the acceptance of immovable properties as collateral securities under the existing Bill has already brought in a bad reputation to the Imperial Bank as regards favouritism. It is openly said that such immovable properties are accepted by the Imperial Bank from some of the favourites of the Bank officials. I would even go a step further and suggest that the present power of accepting immovable properties as collateral securities by the Imperial Bank should also be removed, which will disarm the public criticism and a very genuine criticism too of favouritism by the Bank. The remedy for the grievances of the landlords does not lie in forcing the Imperial Bank to advance loans on landed properties, but the real remedy lies in forcing the Government to establish a Land Mortgage Bank as envisaged by the Central Banking Enquiry Committee.

Sir, in this connection I would earnestly request the Government to consider seriously the suggestion of the Central Banking Enquiry Committee for the establishment of a Land Mortgage Bank which will help the big landlords and the smaller ryots as well. I would at this stage ask the Government what steps they have taken on that recommendation of the Central Banking Enquiry Committee, and, if no action has as yet been taken, what action they propose to take for the amelioration of the hardships of the landholders enumerated in Mr. Mehrotra's minute of dissent.

In coming to the minute of dissent signed by the Honourable Mr. Basu and others, I have only to say that I do not agree that the provision made in the Bill for the election of an additional member should be substituted by the power to elect temporary members in place of the absentee members. By the present Bill, we are enlarging the number of seats given to the Local Boards to send their representative to the Central Board from two to three, so that more Indians may go to the Central Board, and I do not think that in these days when everywhere people are demanding more franchise and more seats on all elective bodies, the number of seats should be decreased from the proposed number of three to the original number of two. Probably Mr. Basu desired this change, as he thought generally the representation of Local Boards on the Central Board was ineffective owing to the large number of absentee representatives. To meet that point, I would suggest that a provision should be made in this Bill that, if a member of the Local Board fails to attend three consecutive meetings of the Central Board, his seat shall be declared vacant, so that it will prove a great check on the Local Board members to be present at the meetings of the Central Board. At present once a member is elected, he does not take much interest in the work for which he is elected. Even, I am afraid, the same lacuna is to be found in the electoral rules of the legislative bodies which is proved by the large number of absentee Members of this House and the other.

Last, but not the least important, is the question of Indianisation of the higher posts of the Bank. A few years ago, the system of recruitment of probationers was introduced for the sole object of Indianising the higher posts of the Bank, but, for reasons best known to the European officials of the Bank, that system has either been abolished or has been kept in abeyance. I would insist that Government should keep an eye on this very important question and the liaison officer suggested in the Bill should also be vested with this further duty to see that Indianisation of the higher posts of the Bank is going apace and not neglected by the Bank authorities. Another oft-repeated criticism made against the Imperial Bank is that it never helps indigenous Banks or industries, and I hope the Government will examine from time to time whether the Bank is carrying on its business for the interests of India or for the interests of Manchester, Birmingham and Leeds. Sir, I support the motion for consideration of the Bill.

Dr. B. D. Dalal (Nominated: Non-Official): Sir, I oppose the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad, which seeks to recommit the Imperial Bank of India (Amendment) Bill to the Joint Select Committee. Sir, in intervening in this debate, my justification is that I desire to remove the misconception that exists in the minds of some Honourable Members like my friend, Mr. Vidya Sagar Pandya, and also in the public mind that the Imperial Bank of India generally favours Europeans with appointments. I shall endeavour to the best of my ability to disabuse the minds of the Honourable Members of that erroneous impression. So, Sir, with your permission, I wish to say just a few words on the question of the Indianisation of the staff of the Imperial Bank of India. At the outset, I may point out that the Imperial Bank of India, though constituted by Statute for Government treasury business, is in my opinion a private institution, and that the Directors and the Governors of the Bank are exclusively responsible to their shareholders. Therefore, the question of recruitment to posts in the Imperial Bank of India is entirely

[Dr. R. D. Dalal.]

the domestic concern of the Bank and is not under Government control. Of course Government have effective means of expressing their views as regards Indianisation through their own representatives in the Central Board. But, Sir, I must make it clear that the Imperial Bank is not enjoying special benefits from Government, which would justify Government in imposing conditions on the Bank as regards the Indianisation of the staff.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Do they not use Government funds ?

Dr. R. D. Dalal : No small praise is due, therefore, to the Imperial Bank authorities for rapidly advancing in the direction of Indianisation of the staff. They fully recognise that considerations of national prestige, national self-respect, economic expediency, and financial advisability are all concerned in this question; and it is a matter for general satisfaction that the Imperial Bank authorities are outstandingly sympathetic towards Indian aspirations, and that they fully appreciate public opinion on this point and are doing their best to give effect to it, and that they quite understand and sympathise with the obviously natural desire of Indians to see appointments in the Imperial Bank of India filled by the sons of their own country. The Imperial Bank authorities have taken special steps to provide opportunities and facilities for the training of Indians in Banking, and of associating Indians in the management of the Bank. There is no sign of obstruction; and there is every sign of co-operation and help. That, Sir, I submit, is an asset of priceless value. The figures on pages 372 and 874 of the report of the Indian Central Banking Inquiry Committee show what advances the Imperial Bank of India has made in the recruiting of the Indian staff. Sir, let me compare the state of affairs that existed in 1921 at the time of the amalgamation of the three Presidency Banks of Bengal, Madras and Bombay with what obtained in 1933. The staff of the Imperial Bank of India may be arranged under three heads, namely, Europeans, Indian-supervising staff, and Indians other than supervising staff. In 1921, at the time of amalgamation of the three Presidency Banks, there were 194 Europeans, 90 Indian-supervising staff, and 4,004 Indians other than supervising staff. In 1933, there were 235 Europeans, 333 Indian-supervising staff, and 6,749 Indians other than supervising staff—i.e., an increase of 21 per cent., 270 per cent., and 68 per cent., respectively. In other words, during the period 1921-1933, while the Europeans increased in number by only 41, the Indians increased in number by 243. These figures, showing the increase in the proportion of Indians in the supervising staff of the Bank, are most striking and convincing. I may add that since 1928, 68 European officers have retired, and that since 1929, there has been complete cessation of the recruitment of European officers and the supervising staff has been maintained at its strength by the appointment of Indians only. It will, therefore, be seen that the Imperial Bank of India has pursued a vigorous policy of Indianisation in promoting Indians to higher and responsible positions in the Bank with a view to reducing the cost of the management of the Bank, and to provide a personnel that has an intimate acquaintance with the languages of the country, and is fully conversant with the life and habits of the people among whom business is to be conducted.

Raja Bahadur G. Krishnamachariar: Sir, I had no intention of speaking anything upon a motion which took only 80 seconds to move, because, after passing the Reserve Bank Bill, and this Bill being practically a supplementary Bill where references and cross-references to the Reserve Bank Bill became necessary, I did not know that it required all these elaborate speeches we have been treated to. Sir, my Honourable friend, Dr. Ziauddin, would probably excuse me when I say that his amendment seems to be somewhat contradictory in its terms. He says it should be sent back to the Joint Committee in order to revise the constitution of the Bank. Supposing this House agrees to do that and the Bill goes back to the Joint Committee; in the meanwhile, we have passed the Reserve Bank Bill so far as this House is concerned, and if it passes the Council of State and even then this Imperial Bank Bill has not come back from the Joint Committee with all the instructions given to it by means of this motion fully carried out, what is the result? We have got at least 25 sections of the Reserve Bank Bill, so far as I remember, which make references to the Imperial Bank Bill. What is the position? I am not acquainted with the procedure in British India, but I know that according to the books which I had read, where an amending Bill concerns only to certain sections of an Act, the entire Act is not before the Legislature so as to deal with it in any way you like. Consequently, where sections which are not concerned with the actual scope of the amending Bill are to be tackled, that should be done by means of a separate Bill and not by a side issue in connection with that amending Bill. I had a talk with my friend, Mr. Vidya Sagar Pandya, about it, and he told me that in the Select Committee they went through all the sections of the Imperial Bank Act before agreeing to many of these amendments.

The Honourable Sir George Schuster (Finance Member): I would like to correct that; if my Honourable friend, Mr. Vidya Sagar Pandya, made any such statement, I venture to say that it does not approximate very closely to the truth.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, Sir. Is it permissible to mention on the floor of the House any private conversations? There has been a ruling on this point by Sir Frederick Whyte that private conversations should not be referred to in the course of public discussions: I want a ruling on that matter.

Mr. President (The Honourable Sir Shanmukham Chetty): That ruling holds good.

Raja Bahadur G. Krishnamachariar: It is only as a preliminary to my stating the proposition, and as I was not a member of the Select Committee and as there was nothing very very secret or confidential in this matter, I thought there was no harm in stating it for the reason that it is only a preliminary to the position I am taking, that position being that in an amending Bill the whole Act of which this is only a short amending Bill, is not open to discussion; and, in discussing it in a casual manner, I was told that this thing had happened and now I find that it is not so; but I would proceed further and say that even if it had been done, in a certain sense it would have been right, because you ought not to introduce, by means of an amending Bill any clause which would go against

[Raja Bahadur G. Krishnamachariar.]

the principles or the provisions of the original Act; and, consequently, after deciding upon the amendments, at least so far as I know—I was working, they might say, in a very backward province—what I generally think is that when the Select Committee agreed to a certain amendment, it was the duty of the Government Department to see that it did not conflict with any existing provision of the Act, so that, when you come back here, you find yourselves at sixes and sevens . . .

Dr. Ziauddin Ahmad: May I just explain my position? What I said was that, after the establishment of the Reserve Bank, the position of the Imperial Bank would change and really no Statutory protection was needed at all, and the only thing which should be done now is to have two clauses, one to repeal the 1920 Act, and another making provision how this transfer should be made; but I said further that if we wanted Statutory protection, then you could only give it on this condition.

Raja Bahadur G. Krishnamachariar: That was just the position I am contesting, and if I may say so, contesting as strongly as I possibly could. These two provisions which are asked to be laid down in an amending Bill may be perfectly right in a separate amending Bill framed with that view. In this Bill, which was introduced by the Government for the purpose of making certain amendments to certain sections in the Imperial Bank of India Act, in order to bring it into line with the provisions made in the Reserve Bank Act, I say the procedure suggested by the Honourable and learned Doctor is not available to this House, and that is the reason why I say such an amendment does not lie in connection with the present Bill. Another point about which I am still in doubt is that when a Bill comes back from the Select Committee and the Member in charge moves that the report of the Select Committee be taken into consideration, it is not easy to understand what is the scope of the discussion allowed thereon, especially when amendments have already been tabled. Take for instance, the question of the establishment of a land mortgage bank. There are already dissenting minutes signed by a number of persons regarding the facilities to be given to landlords upon the securities of their lands; and amendments have been tabled. I suppose, when these amendments will be taken up, these points that are now urged will all be urged again. Consequently, it is purely a repetition; and if I may respectfully say so in a quite inoffensive manner, it is an absolute waste of time. I have never been able to understand and I want only to seek information on this point, whether it is advisable, not to put it higher, that the same points which would come up for discussion hereafter on the amendments should be taken up and discussed now. These are the two difficulties in which I find myself after hearing the arguments so far and that is my apology for standing up in my place to speak.

There is only one point and that is the objection taken by my friend, Mr. Pandya, regarding the granting of loans to Indian States. He said that they might not be liable to be sued; under the Civil Procedure Code, where a Prince does business in British India, he is liable to be sued without any difficulty whatsoever and the only thing that is necessary is the permission of the Governor General in Council before the suit is instituted. When you find that a Bank in India, especially the Reserve Bank or the Imperial Bank, has lent money and that money cannot be recovered except by a regular suit, there will be no difficulty, at least

there ought not to be any difficulty, in getting sanction from the Governor General in Council so that the objection, if that is the only one, has absolutely no force whatsoever. Perhaps my . . .

Mr. Vidya Sagar Pandya: Messrs. William Watson and Company lent large sums of Banker's money to Patiala and they went bankrupt, because they could not recover it from the Indian State or Ruler.

Raja Bahadur G. Krishnamachariar: It all depends whether your position comes within the ambit of the words "doing business". The same decision was given the other day in the Bombay High Court. Fazulbhoys borrowed 50 lakhs from H. E. H. the Nizam, and the first year's interest was paid by the Fazulbhoys to H. E. H. the Nizam—a sum of about Rs. 3½ or 4 lakhs. The income-tax people pounced upon that and said they wanted income-tax upon that and the case went up to the Bombay High Court, and the High Court held that where a man had money and lent it to one individual on an occasion and interest was paid on that, no income-tax was chargeable, because the words of the Income-tax Act were "doing business". However that may be, if my friend will see the Civil Procedure Code and if there is any difficulty about it, that might be altered; but this is a very good provision in view of the fact that we are all looking forward to a Federation—though not myself among that number—in which the Indian Princes are supposed to take part, and consequently there is absolutely no harm if they can lend money to me, why they should not lend money to them.

There is only one other point. I said a great deal about the attitude of the Imperial Bank regarding private borrowers, and all that I said was perfectly correct and I stand by it. But there is one thing that came to my notice after all those discussions and I think, in fairness to the Imperial Bank, I ought to make that statement. I am not a shareholder of the Imperial Bank; I have no transactions with that Bank except that I place some money with them and take care not to overdraw my account. . . .

An Honourable Member: How many lakhs?

Raja Bahadur G. Krishnamachariar: Rs. 1,000 a month as my pension: there are no lakhs—I am lacking in them a great deal nowadays. On my way to my place, I halted at Madras, and people who had read my speeches told me I was making a very great mistake, because as far as land-owners of the Madras Presidency were concerned, the Imperial Bank did exactly what I said must be done; and my friend, Mr. Sen, very strongly objected to it, because he said: "Who is going to build these godowns and wharfs and who is going to inspect all these things periodically?" But that is just what they have been doing in Madras, and I was surprised to hear it. In fact that is the sort of thing that I wanted to secure for the landholders of Southern India and I thought I was making a very great demand. I found it was only just what they had already been doing for some time past. In Rajahmundry and round about that place within a radius of fifty miles—as the Manager of the Bank showed me from a map—paddy is stored or locked up; and every man, not merely a trader, a landowner, can bring his paddy there and he is given credit in order to tide over the difficulties both for the payment of the Government *kist* and for other demands and until he is able to get a fairly good price

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for his agricultural produce. To that extent, Sir, they should be congratulated, and if I had known it earlier, I should have mentioned it on the last occasion. I only hope that my attempt to get that thing introduced in Southern India will also prove successful, because I have no doubt they are very anxious to extend their business on sound lines and as far as I can see, they don't seem to have any disinclination to extend their business in these lines and thus help the agriculturists and landowners. It seemed to me, Sir, that, out of fairness to them, I should make this statement on the basis of what I myself found, what I myself learnt, after discussing the matter with the Agent in Madras.

Mr. S. C. Mitra: Sir, I am afraid I cannot support the motion of my Honourable friend, Dr. Ziauddin Ahmad, to re-commit this Bill to the same Joint Select Committee and there confine the Bill to two clauses. I entirely disagree with him on this point, because I want that the Imperial Bank should not be treated, even after the changes in its constitution, as a mere limited company. Though we have passed the Reserve Bank Bill, yet we know, whatever may be our ambition after some time, in the beginning the Reserve Bank will have only five or six branches. The Reserve Bank will really have to function through the agency of the Imperial Bank for a long time to come. I thought my friend, Dr. Ziauddin Ahmad, would see that if we left the Imperial Bank to the tender mercies of the shareholders, or, as argued by my friend, Mr. Pandya, to the mercies of the Managing Director, then we would not be doing proper justice to ourselves, because the branches of the Imperial Bank would be really discharging some of the public duties that it is discharging for the last so many years. In spite of the passing of the mere Reserve Bank Bill and even after the Reserve Bank is started, at last for some years the responsibilities of the Imperial Bank to the public are to be very great. So, far from leaving it alone, I for one would like that there should be proper provisions in the present Statute; so that we may have adequate control over this Bank. Sir, I gave notice of an Amending Bill to the Imperial Bank Act some time ago.

Now, Sir, it has been argued by my friend, Raja Bahadur Krishnamachariar, that in this Amending Bill we are not entitled to go into all the details with which the Imperial Bank Act deals; but, as a matter of fact, I may say that the Chairman of the Joint Select Committee permitted us all the facilities to suggest any amendment that we liked. Even if it is questioned on constitutional grounds, I think the Chairman was very fair, because though in name it is an Amending Act, really we are dealing with the Imperial Bank Act in its new phase from an entirely different standpoint, and on this occasion it is, I think, open to the House to amend that Bill on all important essential points, and we have no grievance on that score, because the Chairman of the Joint Select Committee permitted us full facilities to amend it in any way we liked.

Sir, I must confess that the attitude of the Imperial Bank towards Indians has been a matter of much discussion and complaint in the last debate,—and this time in Calcutta I made inquiries and I came to know from some of the Indian industrialists that the Imperial Bank has been helping Indians as well, but there is still, I know, difference of opinion on that point. There are others who still maintain that they have to complain much on that score.

But today, in connection with this Bill, I wish to place before the House the case of the lower staff in the Imperial Bank itself, and my friend, Mr. Pandya, has left me under a special obligation to explain that position by referring to me in his speech.

Mr. Vidya Sagar Pandya: You are the Deputy President of that Association.

Mr. S. C. Mitra: My friend, Dr. Dalal, gave me some figures to show that there has been considerable Indianisation and that we need have no complaint on that question. I would like to give some figures, and I hope my friend will contradict me if those figures are not correct. By a mere glance I find that, amongst the higher officers, 237 are Europeans, while only 36 are Indians. That is sufficient proof, if any proof is necessary, to show that Indianisation has not proceeded in the proper way. It is said in one of the papers submitted by the Staff Association that:

"It may be recalled that in introducing the Imperial Bank of India Bill in 1920, the Government held out the assurance that proper and effective steps should be taken for Indianisation of the Bank's service. The pledge contained in Sir Malcolm Hailey's speech has in practice been abrogated inasmuch as it has been the policy of the management to exclude Indians altogether from superior appointments. This is borne out by the fact that the management has in a number of cases ignored the claims of senior Indian officers. We can say without fear of contradiction that no Indian has ever been appointed in higher appointments carrying special pay and allowances which are held as preserves for European officers. So far as the officers' grade is concerned, the number of European officers and Indian officers at the end of 1932, is as follows.

	European.	Indian.
Bengal Circle	110	19
Bombay Circle	68	8
Madras Circle	50	9
Central Office	9	Nil

"The authorities made much of the fact that for the last two years no European officer has been recruited. But, as a matter of fact, long years will elapse to find proper work for the European officers already taken in. The junior supervising staff is certainly manned by Indians and Anglo-Indians. These supervising Assistants were taken in, on the eve of the opening of the new Branches, in accordance with the contract with the Government. The Bank was at the time in need of supervising staff at a comparatively cheap cost. But, with the close of the development programme of the Bank, these supervising Indian Assistants have come to be regarded as a supernumerary staff. Members of this grade have been called upon to shoulder equal responsibilities with junior officers without commensurate rights and responsibilities in regard to pay, allowances and other benefits of service enjoyed by the officers. Their chances of promotion to the officers' grade are extremely meagre. The numerous and complicated divisions into water-tight compartments of the Bank's higher service are calculated to attack the very principle of Indianisation."

Sir, it is possible to manipulate figures and to calculate percentages. If we include the clerks, the menial servants, the chaprasis, peons, etc., of course, one can get a higher figure, but as regards the higher posts, that really count, where there are extra allowances and privileges, it is a bare fact that there are 237 Europeans and 36 Indians at present. In this amending Bill, I want that there should be provision so that the Indian public opinion can still have its way in pressing on the Bank authorities to have real Indianisation. As regards the complaints of the lower staff, the main point is that the regularly constituted staff organisations are not at all recognised by the Imperial Bank authorities, though I know that the

[Mr. S. C. Mitra.]

Government themselves have no objection to recognise and deal with properly constituted labour unions; because it helps not only the workers, but also the Government. It is to the mutual interest of both the employers and the employees to have these recognised labour unions, but so far as my information goes, the Bank authorities are not willing to recognise them. When I move my amendment, I shall show that there is no regular way in which to bring the grievances of the clerical staff to the notice of the authorities, though in the Act itself it has been provided that the Secretaries of the Local Boards are also *ex-officio* Directors of the Bank. It is strange that Secretaries who are merely paid officials of the Bank, nothing more, nothing less, should be on the Directorate. But if this is once conceded, I do not see why the other staff should not have similar representation, at least some representation on the Directorate. The main grievance of the staff is that their position is worse than factory labourers, because the latter have the Factories Act to protect them against prolonged hours, but these clerks are made to work very long hours. I shall give figures and statements so that it may not be said that I am merely making allegations. As regards the hours of work, I find in one of the reports:

"Accountant's Department.—All clerks of this Department excepting those of Accounts Section and the Head Despatcher have to attend office at 10 A.M., and may leave office between 5 and 5-45 P.M. The clerks of the Accounts Section, though allowed to attend office between 11 and 11-30 A.M., have to work to very late hours at night varying from 8 to 10 P.M., and sometimes longer and the allowance that is granted to them for their late hour work at night is Rs. 5 per mensem only, i.e., two annas and pies nine per diem, an amount less than they require for their tiffin or tram hire.

Current Account.—Being Ledger Keepers and System Writers in general, they have to stay to late hours at night till 7 to 9 P.M., and sometimes 10 o'clock in the event of the balances disagreeing and the extra allowance they are granted for this is Rs. 4 per mensem, that is, less than two annas and three pies per diem."

I do not desire to go into all the details, but in the Public Debt Office:

"All the clerks of this office have to work late till 7 P.M. at the time of interest on Government securities falling due. None of them get any allowance for this overtime work.

Cash Department.—The Transfer Writers as well as the clerks of the Bill Section have to work awfully late hours, the former usually up to 10 P.M. and occasionally up to 12 midnight and the latter up to 7 or 8 P.M., and for this extra work the Transfer Writers are granted an allowance of Rs. 5 per mensem, the clerks of the Bill Section get nothing.

Government Account Department.—It is the Scroll writers who have to wait and work till 7 or 8 P.M., and get a pittance of Rs. 4 per mensem, i.e., 0-2-3 pies per diem."

The condition seems to be worse in the branches. As regards Ludhiana, it is said that there are no fixed hours of work and one never knows when the clerk may get away from office. On usual days, clerks leave office at about 6 P.M., but on week days lamps are seen burning till late at 9 P.M., but they get no allowance for overtime work. In most cases the poor employees work without eating anything, because they cannot afford to incur additional expenditure owing to insufficient salary they draw. In Gaya, generally no one can leave office before 5-30 or 6 P.M., but at times, *viz.*, during the Government *kist* seasons, they have to work till midnight and, on the last days of the *kists*, even the whole night has to be passed in office without any special remuneration whatsoever. In

Cawnpore, clerks have to attend office punctually at 9-30 A.M., and to work up to 6-30 P.M., or 7 P.M. At times they have to work at a stretch from 9-30 in the morning to past midnight without being allowed to go to their homes for their meals, they do not get any allowance whatsoever. In Nagpur, on week days clerks cannot on any account leave office before 8 P. M., or 9 P. M., sometimes 11 P. M., and at times midnight, on the last day of the half year some clerks have always to work for the whole night. Most of the holidays are spent in the office by almost all the clerks for doing arrear work, such as sorting of vouchers, writing pass books, and so on, and for this no allowance is given. Similar representations have been submitted, I think, to the authorities and it cannot be unknown to them. As regards the scale of pay, clerks undergo probation for a period of three years which is not taken into account in calculating length of service. Their allowances during the period of probation varies from Rs. 18 to Rs. 30, from Rs. 30 to Rs. 39 and from Rs. 39 to Rs. 47-8-0. Somebody said on a previous occasion that the pay could not be as low as Rs. 18, but I find that it is absolutely correct. There are differences about leave rules also. There are no definite leave rules for the Indian clerical staff. There is no casual leave rule for 15 days as in Government offices, and there are so many other directions in which the poor Indian clerks suffer in this big institution. They feel the grievances all the more when they find that there is discriminatory treatment between the Indian staff and the European staff. It is said:

‘An institution which grants nursing fees for the treatment of the European officers amounting to a substantial sum of nearly Rs. 2,000 to Rs. 2,500, as the case may be even when the officers enjoy leave in England, an institution which can afford heavy allowances (house and acting, not to speak of other privileges), to some of the junior European officers of the Bank and to some of the seniors, such allowances as exceed even their substantive pay, cannot certainly be compared to exploiting mercantile firms of Calcutta.’

In this report names are given where some of these gentlemen were given nursing fees,—Mr. Britnell Rs. 1,200, Mr. Weston Rs. 1,166, etc. I do not complain against that, let them have these fees or even more, but some provision should be made for the Indian staff, so that it may not be said that there is so much of discrimination in treatment between the Indian and European staff. A statement of junior officers drawing allowances, more or less the same as their substantive pay, is given. Mr. Moorhouse gets Rs. 500 house allowance, Rs. 375 acting allowance, total Rs. 875, though his substantive pay is Rs. 750. Mr. Anderson gets Rs. 500 house allowance, Rs. 250 acting allowance, total Rs. 750, though his substantive pay is Rs. 750. Mr. Fowler gets Rs. 500 house allowance, Rs. 250 acting allowance, total Rs. 750, though his substantive pay is Rs. 750. So the house allowance and the acting allowance sometimes exceed and many a time equal the substantive pay. The Indians do not complain against the European getting all these, but what is contended is that the Bank authorities should not entirely forget the amenities of life of Indians. If they can pay such huge sums to the Europeans, the Indian staff can also claim proper justice at their hands. As regards senior officers, Mr. McClure whose pay was Rs. 7,000 gets an acting allowance of Rs. 1,000, free furnished house Rs. 500, income-tax paid by the Bank Rs. 750, super-tax paid Rs. 114-9-4, pay of menials Rs. 208-4-0, electric charges Rs. 40, municipal tax Rs. 97, in all Rs. 2,709-13-1.

There are lots of other privileges too numerous to mention. I can tell a number of other cases where there is a regular difference of treatment

[Mr. S. C. Mitra.]:

between Indian officers and Europeans. European officers not only seem to enjoy immunity from criminal prosecution, but are assured of being sent back to England and their passage money paid by the Bank in circumstances justifying their prosecution. The case of Mr. G. L. White who was sent to the head office

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member should not go into so many details at this stage.

Mr. S. C. Mitra: I do not like to go into these details. I understand the Bank authorities have also these representations before them. They know how true these allegations are. My only justification was that I had given notice of an amending Bill, and, in view of this Bill, I do not like to take the time of the House. As that amending Bill is for circulation, I wanted to take advantage of this occasion to ventilate some of the grievances. This Bank will function for some time yet as the Government's Bank, making free use, to a large extent, of Government money. I do not agree with my friend, Dr. Ziauddin, that that Bank should be left to be treated like an ordinary limited company and I think my friend will be well advised not to press his motion. The Imperial Bank will function as the Agent of the Reserve Bank in more than one hundred centres and it should not be treated like an ordinary bank. Is there not great risk in every way to the public as well as to the Government if the Bank authorities are left to carry work in their own way and that we should not have some control over the management of this very important bank? I wonder how my friend, Dr. Ziauddin, can think otherwise. Of course I agree with him that the Bill requires amendment and he is welcome to do it. As a matter of fact, my friend, Mr. Lahiri Chaudhury, suggested that the Imperial Bank should be permitted to lend money on the security of the landed estates. It will be disclosing no great secret that in the Select Committee at one stage this point was pressed and it was carried, but the Imperial Bank authorities raised this objection. I quite appreciate their view point. What we wanted and what we do want now is some permissive power for the Bank to lend money on the security of the landed estates. The Bank must have the right in particular cases to lend money where they think that a proper case is made out and that there is no danger of the whole money being locked up. They should have this discretionary power. Why should the Bank authorities deny themselves this privilege of using their discretion under special circumstances where there is no great risk. It has been said, and my friend, Mr. Pandya, can put the case in a far stronger ground, that it is done even now on pretexts. Money is lent on a Saturday on personal security alone and, on Monday, before the actual money is transferred, arrangement is made that properties are to be offered as security under the equitable mortgage system and the documents of properties are transferred to the Bank before the actual handing over of the money. Because, even under the present conditions, the Bank deals indirectly without great risk, in collateral security of the landed properties and they take advantage of it in different ways. I suggest there should be permissive provision. It has been openly challenged by my friend, Mr. Pandya, that this method of lending on landed estates happens very often, not rarely. If that is so, I do not see why it should not be left to the discretion of the Bank to lend on real property in special cases. It is very desirable as my friend, Mr. Bhupat

Sing, said that there should be land mortgage banks. Every one accepts that it is a better system, but though the Banking Inquiry Committee reported so strongly for starting such banks, you know how difficult it is in this country to start these banks. In the meantime, the condition of the big landlords, whose position is otherwise absolutely sound, is such that they cannot borrow even small sums of money to get over their temporary difficulties. My friend, Mr. Lahiri Chaudhury, has put that case very clearly. So I would not deal with that point elaborately. A permissive clause like that is essential, if this Imperial Bank is to be run in the best interests of the Indian people. We have certainly a claim on this Imperial Bank. It is not like an ordinary limited company. It has prospered by being Government's Bank holding large reserves without paying interest or paying very little interest, and it has been paying all these years very large dividends, and the shares of the Bank are even now sold at enormous premium and all this is mostly due to the fact that this Bank was actually the Government's Bank and a public institution, and that is still more a reason why we claim that it should help the landed interest, here in India in a way where they can do so at their discretion without any risk. I support that aspect of Mr. Lahiri Chaudhury's argument. With these words, I support the motion for consideration and oppose the amendment.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural):

Sir, I oppose the motion of my friend, Dr. Ziauddin Ahmad, on several grounds. It appears to me that it is a most dilatory motion and an impracticable one and in many respects it is inconsistent. He wants that this Bill should be recommitted to the Joint Committee which is not very possible to hold in the near future or so easily as he thinks. The second point is that we have already passed the Reserve Bank Bill in this House and in that Bill we have provided that the Reserve Bank will employ the Imperial Bank as its Agent in many places. If the Imperial Bank is to be employed by the Reserve Bank, then certainly some kind of protection is to be given to the Imperial Bank, because not only the money of the subscribers or shareholders of the Reserve Bank, but also the money of the Government, that is, the public money, will be kept in the Imperial Bank in so many places, and the Imperial Bank will be the agency through which the collection of the revenues and other monies of the Government and also disbursements will be made. Therefore, the Imperial Bank does not stand on the footing of a private limited company, but requires some kind of protection from the State, because the State money will be kept in there. Then, there is another point which I cannot understand in connection with this amendment. The Mover says that the Imperial Bank may cease to be a Statutory Bank as soon as the Reserve Bank is established, and, then, later on, he says that no Statutory privilege should be given to it unless and until it agrees to advance money on the security of immoveable property. Who is going to force the Imperial Bank in this matter? Is he empowering the Joint Select Committee to sit down and negotiate with the Imperial Bank as to what extent the latter authorities agree and to what extent they do not agree?

Sir, with the Reserve Bank the Imperial Bank has got nothing to do as far as legislation is concerned. They may be asked to give certain advice, but they have got no voice beyond this. But when the legislation

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is to be undertaken for the Imperial Bank, my friend, Dr. Ziauddin Ahmad, in his amendment proposes that the Joint Select Committee should be one party and the Imperial Bank should be the other party to negotiate on behalf of this House on the point that no Statutory privilege should be given to the Imperial Bank unless they agree to a certain kind of agreement. Sir, this is something which I think the House will never agree to recognise in a matter where the House itself has got the sole authority to legislate. Though this amendment does not seek one particular purpose, but the Mover's object is to send this Bill to the Joint Select Committee simply to negotiate for one particular purpose which he can very easily achieve by moving an amendment if the House agrees to that amendment. If the House is in support of him, then certainly he can carry this sort of amendment without having any negotiation. This matter can be achieved by an amendment moved and passed in this House and by not re-committing the Bill to the Joint Select Committee. That Committee sat for more than a month and came to a certain conclusion, and the same view will prevail there if it is again re-committed there. So I cannot understand what object the Honourable the Mover has in mind. Certainly, I may say, I was myself of this opinion that the Imperial Bank should be authorised to advance money on the security of immoveable property, but that does not mean that this Bill should be sent in there again. If the Honourable Member was capable of moving 149 amendments to the Reserve Bank Bill, why cannot he move an amendment to this Bill also? That would be a simple procedure, instead of sending back this Bill to the Joint Select Committee and then asking the Council of State to agree to some procedure and thus postpone this Bill which will then probably be taken up only about the September Session. Sir, we want the Reserve Bank to be set up just now and not to be delayed. This object cannot be gained by the amendment, which will only have the result of causing delay, which will be quite unnecessary, and the motion is quite impracticable. There are so many inconsistencies involved, and, therefore, I oppose the motion for reference to Select Committee and support the motion for consideration.

The Honourable Sir George Schuster: Sir, the only object with which I am concerned at present is to secure the success of the motion which I moved that the Bill as reported by the Select Committee be taken into consideration. In the way of that object, there only stands one obstacle,—the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad. I think, Sir, after listening to this debate, and particularly after hearing the very effective way in which my Honourable friend who has just spoken tore in shreds the purpose of my Honourable friend who moved the amendment, I think there is little doubt that the House will accept my motion and will not be diverted from its purpose by what my Honourable friend has proposed. In these circumstances, I think it is hardly necessary for me to deal in detail with all the points raised in the course of the four or five hours' discussion. Most of them will be raised again in connection with the amendments. I have only a few words to say as regards the main purpose which I imagine underlay my Honourable friend's amendment. He refers—and I will not attempt to justify his logic—he refers especially to the desirability of the Imperial Bank advancing money on the security of immoveable property.

Now, we heard a very interesting speech on that subject from one who is—and I am sure he will himself admit it—very closely personally concerned in the matter, my Honourable friend, Mr. Lahiri Chaudhury. Now, whatever he may have said as regards the objects which he personally has in view, there can be little doubt that those who have supported amendments on the lines of that which is now before the House are really interested in putting the Imperial Bank into the position of making long-term advances on the mortgage of real property. That, I think, is sufficiently clear from the minutes of dissent which have been signed by those members of the Select Committee who supported an amendment of that kind in our discussions. I think it is quite arguable that in present conditions and in view of the difficulties which have been created by the unprecedented fall in the prices of agricultural products, I think it is quite possible that very special problems have been set up particularly among the land-owning classes who have relied on receipts from rents. It is quite possible that in those circumstances the existing machinery is not sufficient to meet their needs for credit. It is a reasonable line, I think, for Honourable Members opposite to take that, in those circumstances, Government should give its consideration to the possibility of encouraging the creation of machinery which would meet those needs, and I am prepared to say here that the Government are prepared to consider proposals of that kind. But it is impossible for us, the Central Government, to devise a scheme which will meet the needs of every part of India. What we feel about it is that it is for the various Provincial Governments to inquire into the matter and to work out in connection with their own circumstances proposals for setting up Land Mortgage Banks, if that sort of machinery will meet the needs of the case. If we get proposals from the Provincial Governments for establishing Land Mortgage Banks which require any assistance from the Central Government, then we shall be quite prepared to give sympathetic consideration to these proposals provided they are really worked out on sound lines. That is our position and I might mention here incidentally that we hope to introduce a small piece of legislation during the present Session which will meet the particular needs of the Madras Government who were anxious to ensure that the securities of a particular Co-operative Land Mortgage Bank should be treated as trustee securities. We certainly are anxious to help any sound proposal on those lines and that is really our answer to this particular proposal. Just because there happen to be special difficulties at the present moment, we do not feel that this circumstance affords any reason for altering the constitution, the rules, and the procedure of the Imperial Bank, and trying to exercise pressure on that Bank to conduct business on unsound lines. Let us be clear about the object which a bank of that kind has to serve. Primarily, the Imperial Bank will be, at any rate after the change which will be set up by the creation of the Reserve Bank, a profit-earning institution. We in the Government representing public interests have a definite concern with the position of the Imperial Bank—and here I entirely agree with what was said by my Honourable friend, Mr. Thampan,—in that we are concerned in seeing that it is a financially sound institution. We are concerned with its solvency, because the Reserve Bank which will keep our balances will have to employ the Imperial Bank as its agent. That being our position, we certainly do not wish to exert pressure on the Imperial Bank to conduct business on unsound lines. And I would put it to those who are supporting this sort of proposal—how do they explain the fact that those who are now responsible for running the Imperial Bank are not anxious

[Sir George Schuster.]

to have a provision of this kind? I know they are anxious to find opportunities for good business now, because the position of every bank in the world at present is that it has very large balances and it cannot find any sound means of employing them. If good business is offered to them, they will never turn it down. They are not concerned with discriminating between Indians and other interests. They want to find good business whether it comes from Indians, landholders or from any other source and they would not object to having powers of this kind unless they felt that the possession of those powers might put them in an embarrassing position. They want to have it definitely defined that it is not their business to get their money tied up in the form of mortgages on real property, and that is really the key of the situation.

Now, Sir, I am not saying that it is not possible to do sound business in the form of advancing money on mortgage of real property, but it is not the business of a deposit bank like the Imperial Bank which, after all, ought to keep its resources liquid in order to meet the claims of those whose money it is keeping. The Imperial Bank is not a charitable institution endowed with large funds by the Government which it ought to keep for the benefit of particular classes. It is an institution which has to look to the interests of its own shareholders and, above all, the interests of its depositors. Its money is not its own money. The main parts of its resources belong to those who give large sums of money for safe keeping to the Bank, and when Honourable Members talk about the duties of a bank to consider the interests of particular classes in this country, I maintain that they are speaking with an entire misconception of the position. The Bank will not have large sums of money at its disposal by the Government which are a source of profit to it. In fact, it has never had large sums of money in that way, because we have always calculated what should be the minimum balance kept by the Government with the Bank on terms which would remunerate the Bank for the services which it has to perform. Its connection with the Government has not been worked on a profit-earning basis. I quite agree that the prestige which that connection has given to the Bank has improved its position. But it has never been our policy to give the Bank favours in the sense of giving it large sums of money free of interest which could more than recompense it for the services which it had to perform for the Government.

Now, Sir, that is the position and I have no doubt that we shall have some more discussion about it when amendments come, but just because I anticipated that discussion that I wanted to put certain fundamental considerations before the House. If, as I said, the crisis which has come upon this country has created special needs, we are prepared to give our consideration to those needs. But we are not prepared for that reason to distort the whole of the machinery of the Imperial Bank and put it into an unsound financial position. Sir, apart from that I think there is nothing that I need say. I have little doubt that the House, or the majority of the House, are just as anxious as I am to proceed with this business and to take this Bill into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would first put the amendment of Dr. Ziauddin Ahmad to the House. The question is:

"That a recommendation be made to the Council of State that the Bill, as reported by the Joint Committee, be recommitted to the same Joint Committee, with instructions that the Bill be so drafted that the Imperial Bank may cease to be Statutory

Bank as soon as the Reserve Bank is established and that no Statutory privilege should be given to the Bank unless and until it agrees to advance money on the security of immovable property."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 4 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That for sub-clause (2) of clause 4 of the Bill, the following be substituted:

'(2) For sub-section (2) of the same section the following shall be substituted, namely:

"The Governor General in Council and the Reserve Bank of India shall have power to issue instructions to the Bank in respect of any matter which, in their opinion, vitally affects their financial policy or the safety of Government Balances and that, in the event of the Bank disregarding such instructions the Governor General in Council may declare the agreement of the Bank with the Reserve Bank of India to be terminated'."

This is an important privilege which we ought to reserve for the Government of India. Sir, on the floor of the House I asked several Honourable Members to give reasons why a Statutory protection ought to be given to the Imperial Bank. The Honourable the Finance Member, neither in his opening speech nor in his reply, gave any argument and my Honourable friends, Mr. Thampan and Mr. Mitra, though they both promised to give reasons for such Statutory protection while developing their arguments, did not give any reason. They could not justify it for the simple reason that no reason whatever could be given for Statutory protection of the Bank and the only reason is a majority of votes which the Government have in the House. I should like to point out to the House that supposing the Government desire at any moment to get certain information or to consult some documents from the Imperial Bank, there is no provision in the present Bill to compel the Imperial Bank to give the information or to have access to the documents. My friend, Mr. Bhuput Sing, suggests that the liaison officer is there. But he will attend meetings and I submit he has absolutely no right to compel the Imperial Bank to give access to documents. This shows that my Honourable friend Mr. Bhuput Sing, has not understood the functions of a liaison officer.

Mr. B. Das (Orissa Division: Non-Muhammadian): Mr. Bhuput Sing was a member of the Joint Committee.

Dr. Ziauddin Ahmad: He might have been. I do not know what transpired at the meeting, but I judge from the report and the facts placed before us. I ask the Honourable the Finance Member to say clearly

[Dr. Ziauddin Ahmad.]

whether the Government of India, according to the provisions of the present Bill, have any power to compel the Imperial Bank to give access to certain documents which the Government may require and whether the Government of India have power to institute enquiries. The Imperial Bank can at any time say no, there is no provision by which the Government of India can enforce its will. It must also be remembered that in future the Governor of the Imperial Bank will not be appointed by the Government of India, but by the Directors, so that the Governor or the Managing Director, as he will now be called, will not be a servant of the Government of India, but a servant of the Directors of the Imperial Bank and, in case the Managing Director stands up against the Government, there is absolutely no power whatsoever provided in the Bill by means of which these papers could be examined.

The Honourable Sir George Schuster: My Honourable friend has challenged me in this matter. I think it would save the time of the House if my Honourable friend would explain what in his opinion are the deficiencies in the provisions that we have made in clause 45 of the Reserve Bank Bill. If my Honourable friend has read the report of the Select Committee on the Reserve Bank Bill, he will find that all that he has in mind in his amendment was considered by the Joint Committee and that the Committee thought that the proper place to insert provisions of that kind was in the clause dealing with the agreement to be made with the Imperial Bank in the Reserve Bank Bill. My Honourable friend, if he turns to clause 45 of the Reserve Bank Bill, would find that all his points have been met there.

Dr. Ziauddin Ahmad: I have not got a copy of the Reserve Bank Bill before me now.

The Honourable Sir George Schuster: Then my Honourable friend is not in a position to address the House on this matter. He is insulting the House in coming before it without having read the report of the Joint Committee on the Reserve Bank Bill or without considering the relevant provisions, because his purpose is entirely covered by a section which has already been passed by this House.

Dr. Ziauddin Ahmad: My Honourable friend could not blame me for not reading the Reserve Bank Bill after the experience he had in November and December when the Reserve Bank Bill was under discussion. What I said was that I had not got a copy of the Reserve Bank Bill before me just now. I had not brought it with me this morning and from this it does not follow that I did not read it. At any rate I am not prepared to admit the charge levelled against me by the Honourable the Finance Member. What I was submitting is this, that no case has been made out for a Statutory provision. I say, we must make a real provision in the Imperial Bank Bill that if the Government at any time desire to have access to certain papers in the possession of the Imperial Bank, the Government should be able to get them. If the Imperial Bank had been a private Bank, I would not have bothered at all.

Mr. President (The Honourable Sir Shanmukham Chetty): So long as there is a Statutory provision in some Act or other, the Government can always enforce that provision whether it is in the Reserve Bank Act or in

some other Act. I think it is up to the Honourable Member to show how this amendment is necessary in view of the proviso to section 45 of the Reserve Bank Act.

Dr. Ziauddin Ahmad: Now I have got the Bill. The proviso to section 45 reads as follows:

"Provided that the agreement shall be conditional on the maintenance of a sound financial position by the Imperial Bank and that if, in the opinion of the Central Board, the Imperial Bank has failed either to fulfil the conditions of the agreement or to maintain a sound financial position, the Central Board shall make a recommendation to the Governor General in Council and the Governor General in Council, after making such further enquiry as he thinks fit may issue instructions to the Imperial Bank with reference either to the agreement or to any matter which in his opinion involves the security of the Government monies or the assets of the Issue Department in the custody of the Imperial Bank, and in the event of the Imperial Bank disregarding such instructions may declare the agreement to be terminated."

Here the initiative rests with the Reserve Bank and not with the Government of India. What I suggest is quite different. I propose that the Government of India should have power to institute an enquiry. What I propose now in my amendment is entirely different from the proviso to section 45 of the Reserve Bank Bill. I propose that the Government of India should also be empowered irrespective of the provisions in the Reserve Bank Bill to institute an enquiry. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

'That for sub-clause (2) of clause 4 of the Bill, the following be substituted:

'(2) For sub-section (2) of the same section the following shall be substituted, namely:

'The Governor General in Council and the Reserve Bank of India shall have power to issue instructions to the Bank in respect of any matter which, in their opinion, vitally affects their financial policy or the safety of Government Balances and that, in the event of the Bank disregarding such instructions the Governor General in Council may declare the agreement of the Bank with the Reserve Bank of India to be terminated'."

The Honourable Sir George Schuster: Sir, I must oppose the amendment of my Honourable friend. It is, I think, unnecessary for the reasons that have already been pointed out. If such a provision is required, the opinion of the Joint Committee was that it would be better to provide for it in the Reserve Bank Act in connection with the agreement to be made between the Reserve Bank and the Imperial Bank. If my Honourable friend thought differently, I think he ought to have put his point of view before the House when that proviso was being discussed. In any case, in so far as the amendment of my Honourable friend would create a different position, it is a position which I think is undesirable. For example, in his amendment he gives the Reserve Bank power to issue instructions to the Imperial Bank in any matter which in their opinion vitally affects their financial policy. I maintain that it is quite improper for the Reserve Bank to have powers of that sort. If there are to be any such powers, they should vest in the Government. If the Government are to exercise their powers, then it is proper as we have provided that the Government should exercise them on the recommendation of the Reserve Bank. I think it is unnecessary to go further into the matter. Sir, I strongly oppose the amendment.

Mr. K. P. Thampan: My Honourable friend, Dr. Ziauddin, complained that I failed to explain in my speech why a special Statute was necessary for the Imperial Bank. I must apologise to my Honourable friend for the omission. I really forgot about it and I wish, if I may, to explain now.

Mr. President (The Honourable Sir Shanmukham Chetty). The question is :

"That for sub-clause (2) of clause 4 of the Bill, the following be substituted :

'(2) For sub-section (2) of the same section the following shall be substituted, namely :

'The Governor General in Council and the Reserve Bank of India shall have power to issue instructions to the Bank in respect of any matter which, in their opinion, vitally affects their financial policy or the safety of Government Balances and that, in the event of the Bank disregarding such instructions the Governor General in Council may declare the agreement of the Bank with the Reserve Bank of India to be terminated' "

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5, 6 and 7 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

"That clause 8 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I beg to move :

"That in clause 8 of the Bill, in the proposed sub-section (3), the following be added at the end :

'at the several places where the local Head Offices are established under the Act.' "

This is a very small amendment. At present registers are kept at one place and I desire that the registers may be kept at all the head offices so that any one, who desires to stand as a candidate for a Directorship or membership of the Local Board or anything, may be in a position to go and look into the register. And it will be very inconvenient for people residing at long distances to go and look at the register. This is only a question of convenience to members and it is a question of administrative detail and not a question of broad policy.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved :

"That in clause 8 of the Bill in the proposed sub-section (3), the following be added at the end :

'at the several places where the local Head Offices are established under the Act.' "

Mr. J. B. Taylor (Government of India: Nominated Official): Sir, I hope that the House will oppose this amendment. It is, as Dr. Ziauddin says, not a matter of much importance, but it is one which will create a certain amount of administrative inconvenience to the Imperial Bank. As Mr. Vidya Sagar Pandya pointed out this morning, in the amending Bill and in the Joint Committee there was a certain amount of representation made by other banks that the Imperial Bank should be brought in certain matters on to the same basis as other banks which are governed by the Companies Act. In the Bill in its original form that Act was applied to the balance-sheet. In the Joint Committee a request was made that the provisions of the Companies Act should be applied to the list of shareholders, and that amendment has been effected by Government in the Bill as it stands now. We do not think, however, Sir, that it is reasonable to go beyond the Companies Act. Under that Act, every company has to deposit a list of shareholders at its principal place of business, and we consider that ought to be sufficient. It will ensure that in fact a list of shareholders is prepared and furnished but to compel the Imperial Bank to furnish a list of shareholders at every place of business seems to us unreasonable and for that reason I hope that this House will oppose the motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is.

"That in clause 8 of the Bill, in the proposed sub-section (3), the following be added at the end

'at the several places where the local Head Offices are established under the Act ' "

The motion was negatived

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 and 10 were added to the Bill

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

'That clause 11 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That for clause 11 of the Bill, the following be substituted:

'11. In section 25 of the said Act,—

- (i) after the word 'Bombay' the words 'Delhi and Rangoon' shall be inserted; and
- (ii) for the words 'Governor General in Council' the words 'Reserve Bank of India' shall be substituted."

Sir, section 25 of the Imperial Bank Act says this:

"A Local Board shall be established at Calcutta, Madras and Bombay and may be established at such other places in British India as the Central Board may determine."

[Dr. Ziauddin Ahmad.]

The intention of this amendment is that it should be brought on the same level as the Reserve Bank. The Reserve Bank will have branches in five places as we have already decided, i.e., Calcutta, Madras, Bombay, Delhi and Rangoon; and in all these five places it is desirable that there may be a branch of the Imperial Bank. My friend may object that we have already made a provision saying, "such other places in British India as the Central Board may direct". But we see that, as far as their representation is concerned, there is a definite distinction provided in a clause later on. In a later clause it is said that those places which will have branches at the very outset will have special advantages, but those branches which will be established later on will not have those special advantages. And I refer them to a particular clause in this Bill which I am sure will be passed *verbatim*. When we come to the provision about Directors representing future branches, we find:

"If any Local Board is hereafter established under this Act, such number of persons to represent it as the Central Board may prescribe"

That is, these three branches will be in a position of special advantage. We find in a later clause that the President and Vice-President of the Local Boards in Calcutta, Bombay and Madras will be members of the Central Board, but, if, at a later date, we create a branch at Rangoon or at Delhi, their Presidents and Vice-Presidents will not be members or may not necessarily be members of the Central Board. Another advantage is that Secretaries of the Local Boards established by this Act will also be members of the Local Board. If these two branches are established later on, then these Secretaries may or may not be members. Therefore, we find in clause 12 of this particular Bill which we are sure to pass as it is, that it is definitely provided that these three branches, which are to be established at the very outset will have distinct advantages in their representation in the Central Board and any branches which may be established later on will be in a disadvantageous position. They will have to be satisfied with the little power which the Central Board may be pleased to give them; they may perhaps have only one representative or even no representative at all; and so we cannot depend on it since it will be sweet will of the Central Board. I press very strongly the case of Northern India and Burma who are entirely neglected in this particular item on account of the branches being established only in Calcutta, Madras and Bombay; and I press from the very outset that we should also have a branch in Delhi and in Rangoon so that their President, Vice-President and Secretaries may also be able to become members of the Central Board on account of the absence of representatives of Upper India, the case of the landlords and tenants has been neglected, because the three big places I have mentioned are essentially industrial centres and their point of view and the point of view of merchants are very strongly represented on the Central Board

Raja Bahadur G. Krishnamachariar: Madras has no industry worth the name: it is mostly agricultural.

Dr. Ziauddin Ahmad: At any rate there is no representative of Northern India in the Central Board and we are afraid that the interests of the people here will be ignored. Therefore, though provision exists that the

Bank may be able to establish branches later on, still those branches will not be able to enjoy the same privileges which the branches existing at the outset enjoy; it is very desirable that these two places should be included where the branches may be opened from the very outset. I beg to move, therefore, that branches should be opened in those two places, and with these words I beg to oppose the motion moved by me. (Laughter.) (*An Honourable Member*: "Why oppose?") My friend asks me why I am opposing my own motion and I shall reply by giving a story. A boy once arrived late at school and his teacher asked him why he was late; and the boy replied that when he walked two steps forward, he slipped back three steps. The teacher thereupon asked him how he arrived at school and the boy replied "for the simple reason that I put my back towards the school". Since every motion of mine is to be opposed by the Honourable the Finance Member, I say I oppose my own motion, because the opposition of the Opposition may be the acceptance of my proposal. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for clause 11 of the Bill, the following be substituted:

"11. In section 25 of the said Act,—

(i) after the word 'Bombay' the words 'Delhi and Rangoon' shall be inserted; and

(ii) for the words 'Governor General in Council' the words 'Reserve Bank of India' shall be substituted."

The Honourable Sir George Schuster: Sir, without professing to understand my Honourable friend's description of his own position, I am afraid I must oppose his amendment. The proposal is two-fold. First of all, he would compel the Imperial Bank to set up local head offices and Local Boards in Delhi and Rangoon and, secondly, he wishes to vest the authority for controlling the setting up of further Boards in the Reserve Bank rather than in the Government. As regards the latter point, I find it very difficult to understand my Honourable friend's position; he seems now to desire on every occasion to put in this *nimboo-nichor* institution into the place of the Governor General in Council. I oppose that portion of his amendment. As regards the other portion, it would be entirely unreasonable to take the opportunity of this amending Act, which, after all, is designed mainly with the object of reducing the restrictions on the Imperial Bank—because it ceases to be a public institution—to impose fresh restrictions on the Bank and to compel this Bank which, after all, is a shareholders' and an independent institution, to set up Local Boards at certain specified places. On these grounds, I must oppose my Honourable friend's amendment.

Mr. President (The Honourable Sir Shanmukham Chetty). The question is:

"That for clause 11 of the Bill, the following be substituted:

"11. In section 25 of the said Act,—

(i) after the word 'Bombay' the words 'Delhi and Rangoon' shall be inserted; and

(ii) for the words 'Governor General in Council' the words 'Reserve Bank of India' shall be substituted."

The motion was negatived

Clause 11 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 12 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I move:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), for the word 'two' the word 'four' be substituted."

It may be objected that I am now pressing the case for a larger number of nominated members. The way in which these persons have been nominated does not encourage me to move this particular amendment, but I hope that circumstances will change in the future; and what I fear is this, that when Delhi and Rangoon have no representation, the interests of the agricultural classes may be entirely overlooked in the general elections, because the general elections will only mean perpetuation of the present Directors, as was so beautifully illustrated by my friend, Mr. Vidya Sagar Pandya; and the only way in which the agriculturists can come in is by way of nominations. I would not have pressed this motion if the Finance Member had accepted my previous amendment about the establishment of a branch at Delhi and Rangoon, because by this amendment I only want fair representation for the agriculturists; but, in the absence of that, there is no other way by which I could think of protecting the interests of the agriculturists, of the co-operative banks and other banks which give credit to landholders. It is only by means of nomination that it can be done; therefore, I move

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), for the word 'two' the word 'four' be substituted."

Mr. Vidya Sagar Pandya: Sir, I know what would be the fate of this amendment. However I will put my point of view in the matter. Personally I am always against any Government nomination on any institutions like these: I would like to abolish it completely. (Cheers.) But taking into consideration the fact that the liaison officer is to be appointed, he will come in one of these two nominated places and there will be only one place left which will be available for other interests.

The Honourable Sir George Schuster: My Honourable friend is wrong: there is no idea that the liaison officer would come in one of these two places: if my Honourable friend will look at sub-section (3), he will find that his point is covered by that.

Mr. Vidya Sagar Pandya: I am sorry, Sir, if I am wrong in this instance. In that case I do not wish to press my point.

The Honourable Sir George Schuster: Sir, I must oppose this amendment. We reached this recommendation after very long discussion in the Joint Committee; we on the Government side, contrary to what might have been expected, did not press for an exceptionally large number of Government nominees. We thought that the suggestion to have two Government nominees so as to ensure that interests which might not otherwise receive

representation should be represented on the Board was a reasonable suggestion; but we think that to increase that number to four would give Government nominees an undue proportion on the Board of the Imperial Bank. Sir, I oppose.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), for the word 'two' the word 'four' be substituted."

The motion was negatived

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), after the words 'not exceeding two' the words 'and not being officers of the Government' be inserted."

In this motion I take it for granted that my amendment No. 7 and others would be lost and so I put down "not exceeding two" instead of "not exceeding four" which I ought to have done. The object of this motion is that these two persons should represent certain interests which are left unrepresented and they cannot be represented by officers of the Government. We are already told that this is a private Bank, in spite of the fact that we are giving it a Statutory protection.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), after the words 'not exceeding two' the words 'and not being officers of the Government' be inserted."

The Honourable Sir George Schuster: Sir, might I intervene at this stage? I have a pleasant surprise to offer to my Honourable friend who moved this amendment. We are prepared to accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Will the Honourable Member withdraw because the Government supports him? (Laughter.)

The question is:

"That in clause 12 of the Bill, in part (iv) of the proposed section 28(1), after the words 'not exceeding two' the words 'and not being officers of the Government' be inserted."

The motion was adopted.

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in clause 12 of the Bill, to part (iv) of the proposed section 28(1), the following proviso be added:

'Provided that no person shall be nominated who has already acted as Director during the past preceding six years'."

An Honourable Member: Withdraw.

Dr. Ziauddin Ahmad: My friend asks me to withdraw this particular motion in favour of another, but I know the fate of both, and, therefore, I shall move both. My intention is that persons should not remain a

[Dr. Ziauddin Ahmad.]

Director in perpetuity. I am using the popular phrase of my friend, Mr. Vidya Sagar Pandya, in saying that they can only be removed by an act of God, and, therefore, I say that those persons who have already acted for five years as Directors of the Bank should not be nominated again. After all, if a man has got anything in him, he must have acted out his proposals during his five years' time, and it is not necessary that he should remain in office as Director in perpetuity, because, after some time, he becomes monotonous and everything which he could possibly say he had said it during those five years, and, if during those five years, he could not say anything, I say that he had nothing to say. This principle of five years is accepted even by Government. Can you ever imagine that the Secretary of State for India will appoint a Viceroy in perpetuity? Will the Finance Member act in perpetuity? Are our Secretaries to Government appointed in perpetuity? Are not the Governors of Provinces appointed for five years?

An Honourable Member: But they get extensions.

Dr. Ziauddin Ahmad: Extension is a different matter. The Executive Councillors are not appointed in perpetuity, but they are appointed only for five years. Therefore, this five years appointment is an accepted principle, because, if a person has got any new ideas, he is expected to have carried them out, and if he is so foolish as not to carry out his ideas in five years then take it for granted that he has no fresh ideas to offer. Therefore, Sir, in order to bring in fresh blood, in order to bring fresh ideas, in order to bring in fresh enthusiasm, in order to bring in a new angle of vision, it is very desirable that we should have fresh blood, at least after a period of five years. Therefore, I move that five years is a very good period, and no person should be nominated again if he has acted as a Director for a period of five years.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 12 of the Bill, to part (iv) of the proposed section 28(1), the following proviso be added:

'Provided that no person shall be nominated who has already acted as Director during the past preceding six years' "

The Honourable Sir George Schuster: Sir, my friend has moved that amendment, and he has spoken, as far as I understood him, on another, I am left in some doubt as to what my own procedure should be, but as I am opposing both my friend's amendments, I suppose that makes it easier. Amendment No. 9 seems to me to be an entirely unreasonable one, and as my friend has not supported it, I presume that he shares my opinion.

The amendment on which he has spoken is the one which is not included, as far as I can see, in the printed list, but it has come in in a supplementary list, and which provides that no Director shall hold office for a period exceeding five years. That, Sir, is one which I must also oppose. I strongly resent my friend's suggestion that a Director or anybody else after holding his office for five years is exhausted of all power of fresh thought and suggestion. If that is so, I suggest that my friend is very near the period of exhaustion as regards his own position as a

Member of this Assembly, and I am sure, Sir, that no one would hold that my friend's ingenuity shows any signs of approaching exhaustion. On these general and psychological grounds, I oppose my friend's amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is

"That in clause 12 of the Bill, to part (iv) of the proposed section 28(1), the following proviso be added :

'Provided that no person shall be nominated who has already acted as Director during the past preceding six years.'

The motion was negatived.

Mr. S. C. Mitra: Sir, I beg to move :

"That in clause 12 of the Bill, part (vi) of the proposed section 28(1) be omitted."

Sub-clause (vi) of clause 12 runs as follows:—

"The Secretaries of the Local Boards established by this Act; and."

My object in making this motion is that the Secretaries of the Local Boards should be excluded from being Directors in the Central Board. Encouraged by the attitude of Government that they sometimes accept reasonable amendments, I have ventured to move this amendment. There was a suggestion that we should move for an additional Director to represent the interest of the clerical and other staff. Sir, I could not see my way to accept that suggestion, and I do not know why in this Imperial Bank alone the representatives of the paid staff are *ex-officio* members of the Central Board. In section 28(a), it is said that the Directors specified in clauses (v) and (vi) shall be at liberty to attend all meetings of the Central Board, but shall not be entitled to vote on any question arising at any meeting. It seems these *ex-officio* Directors have merely the right to be present and take part in the deliberations, but they have no right to vote. Sir, going through it you will find that there are numbers of *ex-officio* Directors beginning with a Managing Director, the Deputy Managing Director and ending with his three Secretaries. There is no special reason why these salaried Secretaries should be on the Central Board. The grievance of the other staff is that these Secretaries being present, they take part in the deliberations often to the prejudice of the interests of the other staff. If there is to be fair dealing, then the other staff also should have proper representation on the Directorate. There is a feeling that Secretaries should not have an *ex-officio* position in the Central Board itself. It is a unique thing—perhaps not only for India, but also elsewhere—to have as many as three Directors from the salaried staff, and I still hope that Government will see their way not to maintain this peculiar position of the Secretaries.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved

"That in clause 12 of the Bill, part (vi) of the proposed section 28(1) be omitted."

The Honourable Sir George Schuster: I really find it very difficult to understand my Honourable friend's attitude about this. I should have thought that it was purely a domestic concern for the Bank. As matter of

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fact, we had a good deal of discussion about this in the Joint Committee, and it was then pointed out that, as a matter of business, it was absolutely necessary for the Secretaries to attend these Board meetings though no one claimed that they should have the right to vote, and we on our side cannot see why in these circumstances we should interfere with the wishes of the Imperial Bank. The Imperial Bank desires to give the Secretaries this little additional status, which is that they attend by virtue of membership of the Board although they are not entitled to vote. I really cannot see what practical difference it can make to anybody else, and on principle we object to taking this occasion to interfere with what we consider to be purely a domestic concern of the Bank. On these grounds, I am afraid I must oppose my Honourable friend's amendment.

Mr. Muhammad Azhar Ali: The point I want to press is that if the Secretaries be on the Board, the result is bound to be that the Board will agree with the note which the Secretariat of the Bank may put up. As in every Secretariat, whatever notes, whatever briefs, whatever opinions are prepared by the Bank, Secretariat will be approved of by the Board, and although the Secretary may have no right to vote, his presence is rather objectionable. Why should the Secretaries be given this designation of a Director? I see no reason why these people should sit at the time the Board is deliberating. As in other companies, the Directors can prepare the case from the files. If the Secretaries are present, they will have their own way. With these remarks, I support the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 12 of the Bill, part (ii) of the proposed section 28(1) be omitted."

The motion was negatived.

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in clause 12 of the Bill, to sub-section (1) of the proposed section 28, the following proviso be added:

'Provided that no Director shall hold office for a period exceeding five years'."

I do not want to repeat the arguments that I have already advanced. The first amendment related to the Directors nominated by the Government, and by this amendment I want to apply it to all; that is whether elected, or nominated, no person should hold office for more than five years. My reasons are the same which I gave in connection with my first amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 12 of the Bill, to sub-section (1) of the proposed section 28, the following proviso be added:

'Provided that no Director shall hold office for a period exceeding five years'."

The Honourable Sir George Schuster: I do not want to repeat my own answers to my Honourable friend's arguments. I must oppose the amendment on the general grounds. I would also point out to my Honourable friend that what he now proposes as a proviso is strictly inconsistent with clause (iii) section 28 (1) of the Act which lays down that 'the Managing

Director may be reappointed after five years. He is a member of the Board and this proviso will be entirely inconsistent with that. But on general grounds I feel very strongly that this amendment ought to be opposed.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 12 of the Bill, to sub-section (1) of the proposed section 28, the following proviso be added:

'Provided that no Director shall hold office for a period exceeding five years'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 15 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in sub-clause (1) (a) of clause 15 of the Bill, for the words 'Reserve Bank of India' the words 'Reserve Bank of India or any of its Scheduled Banks' be substituted."

In Part I of Schedule I of the Imperial Bank of India Act, 1920, we find:

"The Bank is authorised to carry on and transact the several kinds of business hereinafter specified, namely:

(i) stocks, funds and securities (other than immoveable property) in which a trustee is authorised to invest trust money by any Act of Parliament or by any Act of the Governor General in Council and any securities of a Local Government or the Government of Ceylon."

The amendment to this clause is that after the word "Ceylon" the words "Reserve Bank of India" are also added. That is to say, the shares of the Reserve Bank are sufficient securities on which the Imperial Bank can lend out money. I want the privilege to be extended to the Scheduled Banks also, namely, that the Imperial Bank should be authorised—I do not mean to say that they should necessarily do it—to give loans on the security of the shares of any of the Scheduled Banks. Of course, it is quite right that no Bank should give advance on the security of the shares of the same Bank, but I see no reason why money may not be lent on the security of the shares of the Scheduled Banks, because the Scheduled Banks have got a general supervision by the Reserve Bank. The Scheduled Banks will have certain deposits with the Reserve Bank and if the

[Dr. Ziauddin Ahmad.]

shares of the Reserve Bank are considered sufficient security to advance money thereon, I see no reason why this privilege may not be extended to the Scheduled Banks as well.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (1) (a) of clause 15 of the Bill, for the words 'Reserve Bank of India' the words 'Reserve Bank of India or any of its Scheduled Banks' be substituted."

The Honourable Sir George Schuster: I am afraid I must oppose this amendment. I wish I could share my Honourable friend's optimism as regards the effect of what he describes as the control of the Reserve Bank over the Scheduled Banks. My Honourable friend says that there is no reason for distinguishing between the shares of the Scheduled Banks and the shares of the Reserve Bank, but really if Scheduled Banks were to be included, it seems very difficult to draw the line. There is no reason why the Imperial Bank should not advance money on shares of companies as well. I may inform my Honourable friend that the Managing Governor of the Imperial Bank was in fact anxious to have power of this kind and we on our side objected to it. One of the reasons why we objected was the very strongly expressed opposition from the other Banks, and I think there is no reason to suppose that the other Banks would not oppose this modified freedom which my Honourable friend's amendment would give. In any case I would submit that the amendment is out of place here, because in this particular section the shares of the Reserve Bank are being included, because they are treated as being on a level with trustee securities. If my Honourable friend wished to make his proposal, it would more properly be made in Schedule I, Part I, (a) (6), but I do not wish to suggest that he should do that, because on general grounds I strongly oppose the principle embodied in his amendment. Sir, I oppose the amendment.

Mr. Vidya Sagar Pandya: This is one instance where I am sorry I have to differ from my Honourable friend, Dr. Ziauddin Ahmad, and I must also oppose this amendment. I oppose it on a different ground to what the Honourable the Finance Member has done. I have always maintained that the Imperial Bank of India has not been friendly to the Indian Banks and if this power were given to them—to lend money against the shares of other Banks—there will be transfer of shares and they may acquire controlling interest in some of the Banks and these Banks will be entirely under the thumb of the Imperial Bank. As such, I do not wish to give this power for mischief to the Imperial Bank to hold the shares of the other Banks. I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (1) (a) of clause 15 of the Bill, for the words 'Reserve Bank of India' the words 'Reserve Bank of India or any of its Scheduled Banks' be substituted."

The motion was negatived.

Mr. K. P. Thampan: I beg to move:

"That part (b) of sub-clause (1) of clause 15 of the Bill be omitted."

Part (b) runs thus:

"In sub-clause (iii) of the same clause, after the words 'a district board' the words 'or a municipal board or committee or, with the sanction of the Governor General in Council, debentures or other securities for money issued under the authority of a Prince or Chief of any State in India' shall be inserted."

This clause enables the Imperial Bank of India to advance money on the security of debentures and other securities issued under the authority of a Prince of an Indian State. There are in this country different kinds of Indian States. There are States where there is a civil list and an annual budget to be passed in its Legislature. There are States where the whole revenue of the State is the absolute property of the Prince. Instances are not rare where the financial position of States have become so chaotic that the Central Government have had to intervene and drive away the Princes from those States. I do not want to refer to the particular States I mean. I only want to point out that conditions in Indian States generally are not so good and sound as to warrant the insertion of such a clause in this Bill. If the Government really want to help the Indian States, the proper step for them would be to include the securities and debentures issued by these States under the Trustee Security Act. In that case, there would be no difficulty as there is already a provision in the Imperial Bank Act to advance loans on such things. Sub-clause (a) (1) enables the Imperial Bank of India to invest their monies in such trustee securities and debentures. The Government can insist on the Indian State concerned to have a balanced budget and also to restrict the civil list. That will ensure solvency of the States and then you can safely ask the Imperial Bank to invest their monies in such loans. I am aware that this is only an enabling clause, but there will be few Directors in a Bank to resist the behests of the Government of India. If the Governor General talks to them nicely, the chances are that they will yield and comply with the request. This is a precarious provision and the Bank will be running enormous risks if it is allowed to invest its funds in Indian States. It is stated in the clause that "with the sanction of the Governor General" money may be invested in these debentures. What does sanction mean? If the word was "guarantee", I could understand it. Supposing the Imperial Bank loses money by investing in any of these securities, will the Government of India make it good? Do they stand security? Will they help the Bank to recover the money? If so, what kind of help will they give? Without any definite assurance or guarantee, mere sanction is meaningless. Therefore, I submit that this clause must be omitted.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That part (b) of sub-clause (1) of clause 15 of the Bill be omitted."

Raja Bahadur G. Krishnamachariar: I oppose this amendment. It is entirely misconceived. If my Honourable friend would see sub-clause (b) it includes not only Princes and States, but also municipal committees and boards. He has not said anything about them. If you omit the whole clause, then municipal committees and municipal boards go out

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also. What is the reason? I am afraid my friend has been swept off his feet by the consideration that he put forward about the Princes and Chiefs of Indian States. Sir, it is somewhat difficult to understand the mentality underlying some of these amendments. When there is a provision in one part of the Bill that the sanction of the Governor General in Council is quite sufficient, then they all object to it. When there is a provision to the contrary, they say: "No, you must have the sanction of the Governor General in Council, we have not got confidence in anybody else. So let the Governor General in Council come in". And look at what the objection is to the sanction of the Governor General in Council! The Governor General sends for the Director and speaks to him nicely at lunch or dinner and then the Director so forgets his duty that he goes back to his place and says: "All right, we will advance this money". Sir, I do not think the Governor General in Council are so irresponsible a set of people that when a loan is applied for upon the security issued under the authority of a Prince or Chief, they will all close their eyes to everything, never caring to see whether there is a civil or a balanced budget, and directly a man asks that a loan should be granted upon the security of the Prince's securities, they will say: "We will send for the Director and have a nice talk with him and I am perfectly sure the rest would happen". Sir, that is an extremely uncharitable way of looking at things, especially in the case of responsible people. There ought to be some standard by which you should judge of them. Unfortunately, however, all this is irrelevant, because the sanction is for the issue of the securities. As a matter of fact, there is a great thing which has been forgotten. It says: "Securities for money issued under the authority of a Prince or Chief of any State in India". Now, the securities are issued with the sanction of the Governor General in Council and have been taken by the public. When I want to invest money, unless I am inside a lunatic asylum, I shall take some little care that that money will come back: and if, as the result of the general confidence of the public, securities have been issued upon the authority of a Prince and pro-notes have been issued, I cannot see any reason why these should not be accepted by the Imperial Bank as security for advancing loans. I submit my Honourable friend might have reserved this amendment for the Bill coming later as to whether they want protection to be given to the administration of Indian States. There probably it would come in more handy to him, but at present it is absolutely misconceived and, therefore, I oppose this amendment.

Mr. B. Das: Sir, my friend, the Raja Bahadur, has not fully appreciated the amendment that has been moved by my Honourable friend, Mr. Thampan. My Honourable friend did not mean to exclude district boards and municipalities although it appears so in the paper, but I find the Raja Bahadur has indirectly supported Mr. Thampan's amendment: he does not want to exclude district boards and municipalities, but he wants us to be charitable to these Princes.

Raja Bahadur G. Krishnamachariar: I submit, Sir, that the amendment says that that clause be omitted, and the clause says: "Not only Princes, but these securities issued by the Princes as well as district

boards and municipalities should all be excluded"—whatever may be the real intention, and they say the way to a certain place is paved with good intentions.

Mr. B. Das: As there appears to be a mistake in drafting and the Raja Bahadur has corrected that mistake, I would like to be permitted to correct Mr. Thampan's amendment by omitting the first sentence of it and I would just argue that portion of Mr. Thampan's amendment which has received so far the indirect support from the Raja Bahadur. Sir, why should we be charitable to these Princes? The next four days, as soon as this particular debate will be over, the House will listen to the tale of mismanagement and maladministration of these Princes, and today why should we statutorily provide that the Imperial Bank of India should advance money on the securities for monies issued under the authority of a Prince or Chief of any State in India? Although we have already made a different provision affecting the States that the Reserve Bank should deal with the public loan of the States, that is a different thing. This House is statutorily authorising the Imperial Bank of India to purchase securities of the States and my friend, Mr. Thampan, has already pointed out that the Directors of the Imperial Bank or their other officials are liable to fall a prey to hunts and *shikars* which the Princes arrange for them very often and, so, in the guise of *shikars* and elephant Kheddah operations, a Managing Director or a Deputy Managing Director of the Imperial Bank may be inclined to advance monies against securities that may have no market value. Sir, I do not mind the Imperial Bank doing it under its own responsibility, but I would not like there being a Statutory provision for so doing. As a member of the Joint Select Committee, I regret very much that this point eluded my eyes while we were discussing it, but I think Mr. Thampan's proposition, at least what he implied by giving notice of this amendment, is a just one and that this should be accepted by this House, and I would ask your permission, Sir, to amend Mr. Thampan's amendment in that way.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

"That in part (b) of sub-clause (1) of clause 15 of the Bill, the words 'or with the sanction of the Governor General in Council, debentures or other securities for money issued under the authority of a Prince or Chief of any State in India' be omitted."

The Honourable Sir George Schuster: Sir, I must oppose the amendment whether it is re-amended as suggested by my Honourable friend, Mr. B. Das, or not. We think it would be unreasonable to exclude securities of this kind from the possibility of being handled in the ordinary way of business by the Imperial Bank. There are States such as Mysore, which float regular loans on their own credit, and I suggest that it is quite unreasonable that the Bank should be precluded from dealing in securities of that kind. The danger of this facility being abused is entirely guarded against by the provision that they must be securities which are sanctioned for that purpose by the Governor General in Council. My Honourable friend, the Raja Bahadur, has pointed out that there are really three safeguards. First of all, they must be securities taken up by the public. Secondly, they must be securities which have been approved by the Governor General in Council. And, thirdly, they must be securities which the Imperial Bank itself thinks are suitable as

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collateral security for an advance. I submit, any securities, which can pass those three barriers, are likely to be proper securities to be handled by the Imperial Bank in the ordinary course of their business, and, on these grounds, I oppose the motion.

Mr. K. P. Thampan: Sir, I beg leave of the House to withdraw my amendment

Mr. President (The Honourable Sir Shanmukham Chetty): Has the Honourable Member, Mr Thampan, the leave of the House to withdraw his amendment?

Honourable Members: Yes, yes.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in part (b) of sub-clause (1) of clause 15 of the Bill, the words 'or, with the sanction of the Governor General in Council, debentures or other securities for money issued under the authority of a Prince or Chief of any State in India' be omitted."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 30th January, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 30th January, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shaninukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

SCALES OF PAY OF THE HEAD MASTERS OF THE GOVERNMENT HIGH SCHOOLS, DELHI AND AJMER.

37. ***Pandit Satyendra Nath Sen:** With reference to the answer given in this House on the 27th November 1933 by Mr. P. R. Rau to part (e) of starred question No. 1160, will Government be pleased to state the scales of pay of the Head Masters of the Delhi and Ajmer Government High Schools in the centrally administered area?

Mr. G. S. Bajpai: The information asked for by the Honourable Member is laid on the table.

Recruitment for the post of Headmaster, Government High School, Delhi, is made from the cadre of the Punjab Educational Service, Class II, and the post of Headmaster, Government High School, Ajmer, is included in the cadre of the Ajmer-Merwara Educational Service. The scales of pay of these Services are:

Punjab Educational Service Class II	. Rs. 250—25—50 ⁰ /25—600, with a selection grade on Rs. 650—30—800.
Ajmer-Merwara Educational Service	. Rs. 200—20—500 with (i) lower selection grade on Rs. 525—25—600. and (ii) upper selection grade on Rs. 625—650.

STATUS OF THE HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

38. ***Pandit Satyendra Nath Sen:** (a) With reference to Mr. P. R. Rau's answer to parts (f) and (g) of starred question No. 1160, dated the 27th November 1933 that "Railways must consider the question of status of Head Masters in the Railway High Schools with reference to the status of other Railway servants, and not with that of other Government servants", will Government be pleased to state whether this principle of treating the Head Masters or assistant teachers in Railway schools like other Railway servants, is followed in all matters affecting the teachers and whether this is the standing principle of the Railway Administration?

(b) Will Government be pleased to state whether the scales of pay of teachers in the East Indian Railway Indian schools were fixed with reference (i) to the pay of other Railway officers, or (ii) to that of the teachers in the Provincial Government Schools of the corresponding grade?

(c) Will Government be pleased to state if it is a fact that the economy cut in the salaries of the teachers in the East Indian Railway Indian schools was in the first instance enforced "as in the Provincial Government High Schools" and not like that imposed on the other Railway officers?

(d) Is it a fact that the East Indian Railway Administration have notified that teachers who are new entrants to the Railway schools will be brought under the revised scales of pay to be introduced in the Provincial Government Schools, and not under the revised scales of pay contemplated for other Railway subordinates?

(e) Will Government be pleased to state whether in the matter of rent free quarters, or charges for the supply of electricity therein, the teachers in the East Indian Railway schools are treated (i) like other Railway employees, or (ii) as a class apart with special privileges in the shape of rent free quarters where available, or (iii) as enjoying a free supply of electricity, or of free board in some cases, not enjoyed by other Railway officers of the corresponding grades?

(f) Will Government be pleased to state whether the East Indian Railway schools are run (i) according to the Provincial Education Codes, or (ii) according to the rules applying to other Railway Departments?

Mr. P. R. Rau: (a) As far as possible.

(b) As my Honourable friend is aware, the scales of pay of teachers in the East Indian Railway Indian Schools were revised in 1929, according to the desire expressed in various quarters in this House to correspond with the scales of pay of teachers of the Provincial Governments.

(c) Yes.

(d) and (e). Government have no information, but are making enquiries.

(f) Obviously the schools cannot be run according to the rules applying to other railway departments; but the procedure laid down in the Provincial Education Code need not necessarily be applied in every individual detail. I may add that I have been informed by the Agent that the rules for the management of these schools have the full approval of the educational authorities of the different provinces in which they are situated.

Pandit Satyendra Nath Sen: Regarding part (a), may I know if the railway teachers are regarded as railway servants in respect of their leave and income-tax?

Mr. P. R. Rau: I think I have already replied to that question more than once.

Dr. Ziauddin Ahmad: Is it not desirable that the Government should fix the scale of salaries as is prevalent in the province where the schools are situated, and not compare it with residential hill schools established for special purposes?

Mr. P. R. Rau: My Honourable friend cannot have listened to the answers that have been given to these questions on the floor of this House. As far back as 1929, the scales of pay of these teachers were altered to correspond with the scales of pay of teachers in the Provincial Governments.

Pandit Satyendra Nath Sen: Regarding (c), is it a fact that the railway teachers enjoy free board, whereas other teachers enjoy nothing whatsoever?

Mr. P. R. Rau: As regards part (c), I am making inquiries.

PRIVILEGES ENJOYED BY THE TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

39. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state whether teachers in the East Indian Railway schools are allowed the same amount of casual leave as is allowed to other Railway officers, or are they governed by the Provincial Education Codes in this matter?

(b) Will Government be pleased to state whether the teachers in the East Indian Railway Indian schools are eligible for the same amount of privilege or medical leave as is admissible to the other Railway officers? Do the East Indian Railway leave rules or the State Railway leave rules apply to them? Is it not a fact that in the matter of leave also they are not treated like other Railway officers?

(c) Is it a fact that in the matter of leave the orders of the Railway Administration are that ordinarily all leave to teachers in the schools in the plains, beyond recognised school holidays and vacations, should be treated as leave without pay, each individual case being treated by the local committees on its merits subject to the state of funds at the disposal of the committees?

(d) Does the same rule apply also to other Railway officers, and is it also the case that they too are not allowed leave with pay beyond the usual Railway holidays? Is their leave, too, subject to the state of the Railway funds?

(e) Do Government propose to enquire of the Provincial Directors of Public Instruction whether the principle of all leave beyond the recognised school holidays and vacations being ordinarily counted as leave without pay applies to teachers in the Provincial Government Schools, who also enjoy holidays and vacations like the Railway school teachers, and lay the information on the table?

(f) Is it a fact that neither in the East Indian Railway leave rules nor in the State Railway leave rules is there any clause specially excluding the teachers from the operation of those leave rules, and if so, why does the Railway Administration say that these rules *do not* apply to teachers in the schools in the plains?

(g) Why do Government put the Head Masters in the Railway schools in the same class or category as the other Railway officers?

Mr. P. R. Rau: (a) The amount of casual leave that may be granted to these teachers is left to the discretion of the authorities responsible for the management.

(b) and (c). I am informed that the teachers in the East Indian Railway High Schools are not governed by any definite leave rules; each leave application is being dealt with by the Managing Committee of the School on its merits. The question of framing leave rules for this class of staff is under consideration at present.

(d) No.

(e) Government consider this unnecessary.

(f) As my Honourable friend is aware, there has been a considerable amount of uncertainty as regards the position of these teachers, but steps will be taken to issue definite rules on subjects connected with their leave, etc., as soon as possible.

(g) So long as these teachers are considered railway servants, they must expect questions relating to them to be considered in the light of the rules relating to other railway servants.

STATUS OF THE FIRST ASSISTANT MASTER AND HEAD MISTRESSES OF THE OAKGROVE SCHOOL.

40. ***Pandit Satyendra Nath Sen:** (a) Was the status of 'officer' conferred on the first Assistant master (on Rs. 300 rising to Rs. 425) and the two Head Mistresses (on Rs. 250 rising to Rs. 350) in the East Indian Railway Oakgrove European School "with reference to the status of other Railway servants"? If not, why not? Is this reference to be made only when the status of Head Masters in Railway Indian High schools is under consideration?

(b) Did any other employee of the Railway in the same scale of pay as or in a scale of pay higher than the scales of pay of the above teachers of the Oakgrove School, make any representation when the decision to treat the aforesaid teachers of the Oakgrove School in the officers' grade was arrived at? Is there any record?

Mr. P. R. Rau: (a) I have often explained in this House that the status of officer conferred on the staff referred to was conferred by the East Indian Railway Company.

(b) Government have no information on the subject.

STATUS OF THE HEAD MASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

41. ***Pandit Satyendra Nath Sen:** (a) Is it the policy of Government that only the status of Head Masters of the East Indian Railway Indian High Schools should be decided and disabilities imposed upon them 'with reference to those of other Railway officers', and not the questions of leave and other conditions of service?

(b) Is it also the policy of Government to invoke the analogy of other Railway officers in some cases and of teachers of the Provincial Government High Schools in others or to ignore the analogy of both these classes in others?

(c) Do Government propose to consider the desirability of deciding definitely whether the conditions of service of teachers in the East Indian Railway Indian Schools should be assimilated to those of teachers in the

Provincial Government Schools or to those of other Railway officers, and not grouping them sometimes with one set and sometimes with another?

Mr. P. R. Rau: I would refer my Honourable friend to the reply I have just given to his question No. 39.

EXPENSES OF THE OAKGROVE SCHOOL.

42. *Pandit Satyendra Nath Sen: (a) With reference to Mr. Rau's answer to starred question No. 1162, dated the 27th November, 1933, that "the expenses of the Oakgrove European School are met from railway revenue direct and the accounts kept by the Chief Accounts Officer, East Indian Railway, whereas the other East Indian Railway Schools are financed by definite grants by the East Indian Railway and by the Local Governments and their accounts kept by the Managing Committee", will Government be pleased to state if it is a fact that the Oakgrove School also receives a grant from the Local Government? If so, what is the amount? Will Government please refer to page 24 of the Jones Report, wherein it is stated that the Oakgrove School also receives an annual grant of Rs. 29,000 from the Local Government? Has the said grant been increased since?

(b) Will Government be pleased to state why the expenses of the Oakgrove School are paid from railway revenue direct, and why only definite grants are paid to the East Indian Railway Indian Schools?

(c) What is the reason for a different method of financing and accounting being adopted in the case of the Oakgrove School from that in the case of the East Indian Railway Indian Schools?

(d) Is it a fact that the entire expenses on account of the Oakgrove School, *minus* the Local Government grant and the North Western Railway grant and fees, are paid out of the railway revenue whereas only a fixed grant is paid to the East Indian Railway Indian High Schools? If so, what is the reason for this discrimination against the East Indian Railway Indian Schools?

(e) Will Government please refer to page 24 of the Jones Report, wherein it is stated that the East Indian Railway met the entire deficit of Rs. 1,34,000 for the Oakgrove School in 1925-26? Has the same practice been continued? If so, do the East Indian Railway meet the entire deficit in the case of the Indian High Schools too? If not, why not?

(f) With reference to the answer given by Mr. (now Sir Alan) Parsons in this House to part (d) of starred question No. 110, dated the 1st February, 1928, and the Railway Board's letter No. 6404 E. of the 26th June, 1928, is it a fact that the teachers in the East Indian Railway Indian Schools are railway employees like the teachers in the Oakgrove European School? If so, is not railway revenue ultimately liable for the salaries of the teachers in the East Indian Railway Indian Schools and of teachers in the Oakgrove European School?

(g) If the answer to part (f) above be in the affirmative, why is this discrimination made between the Oakgrove European School and the East Indian Railway Indian High Schools?

Mr. P. R. Rau: (a) The Oakgrove School receives a grant from the Government of the United Provinces. This was Rs. 29,000, when Mr. Jones reported. I am not aware that it has been raised, but shall obtain the information for my Honourable friend.

(b) This has been the practice hitherto.

(c) and (g). The question of accounting is under consideration at present.

(d) The discrimination, so far as I can see, is only in the method of accounting, and, as I have already stated, the question is under consideration.

(e) I am obtaining the information required and shall lay a statement on the table of the House in due course.

(f) I have nothing to add to or subtract from the reply given by Sir Alan Parsons to this question.

Pandit Satyendra Nath Sen: Is the differential treatment granted to the Oakgrove School regarding grants due to the fact that the teachers in that school are regarded as purely railway servants, whereas other teachers are not?

Mr. P. R. Rau: The difference is only in the method of accounting and, as I have already explained to my Honourable friend, the question of revising the method of accounting in these Indian schools is under consideration at present.

RUNNING AT A DEFICIT OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS AT SAHIBGANJ AND JAMALPUR.

43. ***Pandit Satyendra Nath Sen:** (a) Is it a fact that the East Indian Railway Indian High Schools at Sahibganj and Jamalpur have for some time past been running at a deficit?

(b) Is it a fact that the local managements applied to the Railway Administration for increased grants so that the deficits might be met?

(c) Is it a fact that the Railway Administration refused to increase the grants? If so, why?

(d) Is it a fact that in consequence of the refusal of the Administration to cover the deficits at Sahibganj and Jamalpur, they are being met by the local management by drawing upon the small balances at the credit of the schools and by loans from other funds which will soon be exhausted?

(e) Do Government approve of this discrimination made by the Railway Administration in the matter of financing of the Oakgrove European School and the Railway Indian Schools?

(f) Are Government prepared to issue instructions to the East Indian Railway Administration that there should be no discrimination between the Oakgrove European School and the East Indian Railway Indian High Schools in this or any other respect? If not, why not?

(g) Is it a fact that on account of this refusal of the Administration to increase the grants to the Jamalpur School, increments to teachers according to the scale sanctioned by the Railway Board in 1929 were held in abeyance for months?

(h) Are Government aware that their orders bringing the salaries of teachers in the East Indian Railway Indian Schools to the level of those

obtaining in the Provincial Government Schools of the corresponding grades, will not be effective unless necessary financial assistance is given by the Administration to these Indian schools?

Mr. P. R. Rau: I am obtaining certain information from the East Indian Railway and shall lay a reply on the table of the House in due course.

USE OF SERVICE STAMPS BY THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

44. *Pandit Satyendra Nath Sen: (a) With reference to Mr. Rau's answer to starred question No. 1162, dated the 27th November, 1933, that service stamps are allowed to be used in the Oakgrove European School, the cost of such stamps being debited to the school accounts, do Government propose to allow the use of service stamps to such of the East Indian Railway Indian High Schools as may choose to do so, the cost of stamps used by them being debited to the grants paid to these schools? If not, why not?

(b) Are Government aware that the refusal of this privilege to the Indian Schools of the East Indian Railway, while it has been conceded to the Oakgrove European School, is regarded as another instance of racial discrimination against the Indian High Schools? Do Government propose to issue orders so that this discrimination may be abolished at once by giving the same privilege to the Indian schools?

(c) Do Government adopt the same financing and accounting methods in the case of all the East Indian Railway Schools, European and Indian? If not, why not?

(d) How do Government reconcile this discriminatory treatment as regards financing and accounting and refusal of permission to use service stamps, with the answer given by Mr. P. R. Rau to starred question No. 795 of the 20th March 1933 that "It is not intended to draw any discrimination between the Oakgrove European School and the other East Indian Railway Schools. The latter are Government schools to the same extent as the former"?

(e) Do Government propose to remove this discrimination? If not, why not?

Mr. P. R. Rau: The question will be considered, but Government do not think that the matter is of any practical importance, or that any racial discrimination exists, or is implied, in the present procedure.

Pandit Satyendra Nath Sen: What is it due to, then?

Mr. P. R. Rau: The question of the use of service stamps is a matter of minor detail and I do not think any racial discrimination is implied.

Dr. Ziauddin Ahmad: Is it not a fact that the Oakgrove School is a residential school and that all the other schools are day schools?

Mr. P. R. Rau: I do not think that is a sufficient reason for the use of service stamps or otherwise.

CONSUMPTION OF PIG IRON BY RAILWAYS.

45. ***Mr. G. Morgan** (on behalf of Mr. C. C. Biswas): (a) Referring to the answer to unstarred question No. 233 given on the 27th November, 1933, stating that the Railway Board entered into an agreement for the purchase of 84,000 tons of pig iron between October 1931 and March 1935, will Government please state what is the balance of this quantity of pig iron now in hand, and how long it will take to use up the balance at the present rate of consumption? On what basis of weight of pig iron per sleeper is consumption calculated?

(b) Is it a fact that further 20,000 tons of pig iron have recently been purchased?

Mr. P. R. Rau: (a) 3,100 tons of pig iron are in stock at present and the balance to be delivered under terms of the agreement amounts to 48,548 tons. To meet railway demands for cast iron sleepers during 1934-35 and orders at present being executed it is estimated that approximately 46,000 tons of pig iron will be required. The balance will therefore be probably consumed during the year 1934-35. The basis of weight of pig iron per sleeper depends on the type manufactured but cast iron sleeper plates weigh an average of about 95 lbs. each.

(b) Not by Government.

CONSTRUCTION OF WRENCH-MAHINDRA SLEEPERS BY STATE RAILWAYS.

46. ***Mr. G. Morgan** (on behalf of Mr. C. C. Biswas): (a) With reference to the answer to unstarred question No. 234 given on the 27th November, 1933, are any Wrench-Mahindra sleepers constructed by State Railways?

(b) Is it a fact that the patent feature referred to can only be purchased from one firm and is imported from England?

(c) If the State Railways made the Wrench-Mahindra sleeper, would they have to purchase the patent feature?

(d) What proportion of the cost does the patent feature bear to the total cost of a Wrench-Mahindra sleeper?

(e) Do Government propose to inform this House whether any royalty is paid to the patentees of the feature by the firm in England? If Government have no information, are they prepared to enquire into the matter?

(f) Have Government considered whether it is possible for Government to secure the use of this patent feature free of royalty, so that it could be manufactured in India?

Mr. P. R. Rau: (a) None have been manufactured up to date.

(b) The feature in the existing design is the patent of a firm in England and permission to manufacture or obtain from other sources is a matter for arrangement with the patentees. The feature which constituted the original patent is not incorporated in the existing design.

(c) Yes, unless an arrangement is made with the patentees.

(d) About 10 per cent.

(e) The firm in England are themselves the patentees of the feature; as I have already explained, no royalty is paid on the Wrench-Mahindra invention.

(f) Government are unable to say how such a proposal would be viewed by the patentees, but are of opinion that it would be most unlikely that the patentees would agree to their invention being used free of royalty.

RETURN ROYALTY ON THE PURCHASE OF SLEEPERS.

47. ***Mr. G. Morgan** (on behalf of Mr. C. C. Biswas): With reference to the answer to unstarred question No. 236, dated the 27th November, 1933, will Government please state if return royalty is taken into account in purchasing sleepers? If not, why not?

Mr. P. R. Rau: Return Royalties are not taken into account, because railways are commercial undertakings and cannot, when purchasing sleepers, afford to depart from commercial principles in order to benefit provincial revenues.

TENDERS FOR SUPPLEMENTARY SUPPLIES OF SALWOOD TRACK SLEEPERS.

48. ***Mr. G. Morgan** (on behalf of Mr. C. C. Biswas): (a) Is it a fact that tenders have recently been invited by the Sleeper Control Officer, Eastern Group, for supplementary supplies of Salwood Track Sleepers to be delivered between the 1st April, 1934, and the 31st January, 1935?

(b) Are Government aware that under the terms of the tenders, the tenders are open not merely to actual owners or lessees of sleeper-producing forests, but also to prospective lessees of coupes?

(c) Are Government aware that the potential supply of wooden sleepers from present owners and lessees of forests and coupes is now greater than the demand, and if so, what is the reason for accepting tenders from persons other than actual owners and lessees of forests and coupes?

(d) Are Government prepared to give an assurance that if and when tenders are called for further supplies, orders will be placed only with those suppliers who are actual owners or lessees of Sal forests or coupes and whose supplying capacity has been definitely proved by personal inspection of such forests or coupes by the Railway Board Timber Advisory Officer, or other competent officer, specially appointed for the purpose?

Mr. P. R. Rau: (a) and (b). Yes.

(c) and (d). The policy of Government is that tenders should, as far as possible, be called for without restriction, so that supplies may be obtained from the widest possible market at most favourable prices. Government are not prepared to restrict, in the manner suggested, the placing of orders for timber sleepers in India. It must be left to the authority responsible for placing such orders to take whatever steps may be considered necessary to ascertain whether tendering firms or contractors are capable of fulfilling orders that might be placed with them.

EMPLOYMENT OF SOLDIERS FOR FORCING ONE MR. ASHUTOSH ROY CHOWDHURY OF CONTAI, MIDNAPUR, TO SALUTE THE UNION JACK.

49. ***Mr. S. C. Mitra:** (a) Is it a fact that the house of Mr. Ashutosh Roy Chowdhury of Balyagovindapur, Post Office Argool in the Contai Sub-division, District Midnapur, was surrounded on the night of December 9,

last, by a party of Garhwali soldiers accompanied by Sub-Inspectors of Egra and Postashpur Thanas, other police officers and Mr. Dhirendranath Mukherjee, Special Magistrate of Contai?

(b) Is it a fact that Mr. Ashutosh Roy Chowdhury, as soon as he came out of his house, was ordered by the Special Magistrate to salute the Union Jack, and hardly had he explained his position when orders were given to a Chowkidar to tie up his hands on the back and to a Havildar to beat him with a cane?

(c) Is it a fact that soldiers were ordered to enter his house and break several house-hold articles?

(d) Did they commit the mischief in the house of one Ramanath Maity of the same village?

(e) Is it a fact that both the gentlemen were made to march first to the Amarshi Training School and then to the Soldiers' Camp at Manglamarow, where they were locked-up in one of the rooms of the High School, and were given nothing for the day's meal?

(f) Is it a fact that they were brought out at 5 p.m. on December 10 in the parade ground and were asked to salute the flag? Were they seriously and mercilessly belaboured with canes at that time?

(g) Is it a fact that their heads were forcibly struck against the ground to make them salute the flag in the presence of a large number of villagers?

(h) Is it a fact that they were given nothing at night to lie upon, and that they passed the whole night sitting and shivering in cold?

(i) Is it a fact that they were taken on December 11 to the police station at Potashpur, and subsequently let off?

(j) Are Government aware that Mr. Ashutosh Roy Chowdhury had no disrespect for the Union Jack?

(k) Will Government be pleased to state why soldiers were requisitioned for this kind of work? Was the Government of India consulted about the employment of soldiers for this purpose in Bengal?

(l) Do Government realise that such use of soldiers brings them down in public estimation?

The Honourable Sir Harry Haig: I would invite the attention of the Honourable Member to my reply to Mr. Gaya Prasad Singh's question No. 36 of the 29th instant on the same subject.

Mr. S. C. Mitra: Will the Honourable Member make further enquiries from the Government of Bengal whether they have received letters dated the 21st December, 1933, from Mr. Ashutosh Roy Chowdhury making allegations similar to those appearing in this question?

The Honourable Sir Harry Haig: If the Honourable Member's question which runs from (a) to (l) is not complete, he might put down a further question on the subject.

Mr. S. C. Mitra: May I ask, if you, Sir, do not disallow it, if the Government of India will ask the Government of Bengal whether letters dated the 21st December were not received by the Chief Secretary to the Government of Bengal, the Divisional Commissioner, the District Magistrate and other high officials? Copies of the letter were sent to all these

officers so that there might be no delay on the part of Government of India to answer these questions and with the view that we might not be denied the privilege of putting supplementary questions?

Mr. President (The Honourable Sir Shanmukham Chetty): What does the Honourable Member mean?

Mr. S. C. Mitra: The allegations in these questions are about the treatment meted out by the soldiers. These allegations were brought to the notice of the Government of Bengal, of the District Magistrate, of the Divisional Commissioner and all other high officials. I ask the Honourable the Home Member to enquire whether the above officers received those letters?

The Honourable Sir Harry Haig: I have already asked the Government of Bengal for a report on the facts and it is obvious that they would not delay the matter longer than is necessary to ascertain them.

RELEASE OF STATE PRISONERS AND DETENUS.

50. *Mr. S. C. Mitra: (a) Will Government be pleased to state if they have any policy or plan with regard to the releasing of State Prisoners and detenues, who have been confined indefinitely without trial?

(b) Is it a fact that some of them are now under detention for years? How long do Government propose to detain them?

(c) Is it a fact that some prisoners were detained just after their acquittal or discharge by competent courts of law?

(d) Is it the intention of Government not to release these detenues and State Prisoners before the introduction of the new constitutional reforms?

The Honourable Sir Harry Haig: (a) The Honourable Member presumably refers to persons against whom action has been taken under Regulation III of the Bengal Criminal Law Amendment Act on the ground of their terrorist activities. They are detained because Government are satisfied that their release would strengthen the terrorist movement and as long as those conditions exist there can be no question of their release.

(b) Some of these State Prisoners have been detained since 1931. As the terrorist movement still continues, it is not possible to say for how long it will be necessary to detain them.

(c) In some cases it has been necessary to take action under Regulation III or the Bengal Criminal Law Amendment Act as a preventive measure against terrorists who have been acquitted or discharged on a specific charge.

(d) I invite attention to my answer to part (b).

Mr. Gaya Prasad Singh: Is it the intention of Government to put on trial before a regular court of law these persons who have been so long detained without trial?

The Honourable Sir Harry Haig: No, Sir. It is not the intention of the Government to put them on trial before an ordinary court of law.

Mr. S. C. Mitra: Will the Honourable Member tell the House whether Government have taken any steps to bring these persons, who are alleged to be connected with terrorist crime, round to constitutional views or to provide them with employment after their discharge, so that they may make better citizens according to Government estimate?

The Honourable Sir Harry Haig: It is always open to the detenus to approach Government if they have changed their views and have come to the conclusion that they have been pursuing a mistaken policy.

Mr. S. C. Mitra: I am afraid the Honourable Member has not followed my question. What I want to know is whether Government have taken or are going to take any steps to bring these persons, who are alleged to have terrorist tendencies, round to constitutional views or are they merely detained for an indefinite period of time and that they should be allowed to remain there, as they are, for ever?

The Honourable Sir Harry Haig: It is not very easy to change the views of men whose views are so set that they are prepared to take to these courses in pursuance of them.

Mr. S. C. Mitra: May I take it that Government are of opinion that the detenus are of such set views that they can never be made good citizens?

The Honourable Sir Harry Haig: I hope that is not the case and in fact the Government are anxious by separating the more determined from what they judge to be less determined men, to give a chance to the less determined men to revise their views, and that is a matter which the Government have always in mind.

Mr. S. C. Mitra: Is this the only step that Government can think of taking, namely, to separate the more determined from the less determined or are the Government taking any further steps to bring them round to constitutional views?

The Honourable Sir Harry Haig: I hope, Sir, that the course of events in the next few years will gradually operate in the direction which the Honourable Member desires.

Mr. B. Das: Are there not certain State Prisoners who were detained before 1931 and who were not arrested in connection with the terrorist movement?

The Honourable Sir Harry Haig: I am not sure that that question arises out of the question asked by Mr. Mitra.

Mr. B. Das: It arises out of part (b), State Prisoners and detenus?

The Honourable Sir Harry Haig: I would suggest that if the Honourable Member desires information about State Prisoners other than those detained in respect of terrorism he should put down a question on the subject.

Mr. B. V. Jadhav: With regard to part (c), will Government be pleased to give, when they know that the accused person deserves to be detained even after acquittal after trial, the reason as to why Government take the trouble to put them on trial?

The Honourable Sir Harry Haig: It is always better to have a person tried and convicted on a specific charge if that is possible, but we often find that we have evidence which we think is sufficient to justify a trial on a specific charge and in addition to that a great deal of general evidence which cannot be put before a Court of law.

Mr. B. V. Jadhav: May I know how many persons who were acquitted have not been arrested and detained later on?

The Honourable Sir Harry Haig: I am afraid I have no information on that point immediately available.

Mr. B. V. Jadhav: Are there any such?

The Honourable Sir Harry Haig: Is the Honourable Member repeating part (c) of the question, because, if so, I have given an answer.

Mr. B. Das: Parts (a) and (b) of this question relate to State Prisoners who are not connected with the terrorist movement, so that all the State Prisoners come under part (a) which says:

"Will Government be pleased to state if they have any policy or plan with regard to the releasing of State Prisoners and detenus, who have been confined indefinitely without trial."

It does not say anything about terrorist movement although the reply of the Honourable the Home Member does.

The Honourable Sir Harry Haig: I took it that the intention of the Honourable Member, Mr. Mitra, was to refer to terrorist prisoners and I made that clear in my answer.

Mr. Gaya Prasad Singh: What about other prisoners who are not supposed to be connected with the terrorist activities and who have been detained without trial indefinitely?

The Honourable Sir Harry Haig: If the Honourable Member is interested in the subject, I have suggested that he should put down a question and I will endeavour to give him an answer.

Mr. Gaya Prasad Singh: The original question was wide enough to cover my point also.

RESTORATION OF THE FIVE PER CENT. CUT IN SALARY.

51. ***Mr. S. C. Mitra:** Are Government aware that there is a strong public opinion in the country that there should not be any difference between the All-India services and other Government services as regards the restoration of five per cent. cut in salary?

The Honourable Sir George Schuster: The answer is in the affirmative.

Dr. Ziauddin Ahmad: I should like to know whether, in view of the strong opinion in the country, Government will not make any differentiation?

The Honourable Sir George Schuster: The Honourable Member had better wait and see.

Dr. Ziauddin Ahmad: Will the Honourable Member respect public opinion in the country?

Mr. Gaya Prasad Singh: Has it ever been respected?

The Honourable Sir George Schuster: I repeat that my Honourable friend should wait and see.

CONSTRUCTION OF THE FARIDPUR RAILWAY STATION ON THE EASTERN BENGAL RAILWAY.

52. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state if money has been sanctioned in the Railway Budget for the construction of Faridpur Railway Station on the Eastern Bengal Railway?

(b) If so, when is the work likely to be taken up and completed, and what amount has been sanctioned for the purpose?

(c) Has it been decided to remove the Station site to a more centrally situated place?

Mr. P. R. Rau: The provision of a sum of Rs. two lakhs in the 1934-35 Budget, for the construction of a new station, more centrally situated at Faridpur, has been approved by the Standing Finance Committee for Railways. If this is sanctioned by the Legislative Assembly when considering the Demands for Grants, it is intended to take the work in hand in the near future and complete it early in 1935-36.

Pandit Satyendra Nath Sen: How long has this question been hanging fire?

Mr. P. R. Rau: I have no idea, Sir.

RESERVATION OF CLERICAL POSTS FOR BRITISH MILITARY SUBORDINATES AND LADIES IN THE ARMY HEADQUARTERS.

53. ***Mr. S. C. Mitra:** (a) With reference to the answer given on the 22nd December, 1933, to part (d) of Mr. P. G. Reddi's starred question No. 1484, is it a fact that in addition to the posts held by the British civilian element in the ministerial establishments of the Army Headquarters, 25 per cent. of the clerical posts are reserved for British military subordinates and lady clerks? Does this 25 per cent. include the technical military clerks?

(b) What do Government mean by the expression "few men recruited from British regiments" used in the answer? What are the other methods employed by Government to fill the 25 per cent. posts reserved for military personnel?

(c) Are Government aware of the prevailing acute unemployment distress among educated Indians and are they prepared to reduce the total percentage of posts reserved and otherwise filled by non-Indian personnel for the benefit of Indians? If not, why not?

Mr. G. R. F. Tottenham: (a) The position as stated in the first part of the question is not exactly correct. Twenty-five per cent. of the appointments on the regular ministerial establishment are reserved for soldiers, *ex*-soldiers, and lady clerks. It is possible for other British civilians to get posts in Army Headquarters if they succeed, as members of a minority community, at the competitive examination held by the Public Service Commission. But so far as I am aware there have been no such cases for the last four or five years. Technical clerks are not borne on the regular ministerial establishment and are not therefore included in the 25 per cent.

(b) The expression was used with reference to recruitment to the second Division and means what it says. Probably the recruitment is not more than two or three a year. No methods other than recruitment from British regiments are employed to fill the posts reserved for military personnel.

(c) Government are aware that unemployment exists. The proportion of soldiers was reduced as recently as 1932 by including lady clerks in the quota of 25 per cent. No further reduction can be contemplated at present on grounds of administrative efficiency.

Mr. S. C. Mitra: Apart from the 25 per cent. reserved in the ministerial establishment for British military subordinates, what other percentage of this ministerial cadre is filled by British civilians and by the technical clerks? Is it in addition to this 25 per cent.? If so, what is the percentage?

Mr. G. R. F. Tottenham: I cannot give the Honourable Member off-hand actual figures of percentages, but I think the number of technical clerks is about 20 in the whole of Army Headquarters, which roughly is about 600 strong, the number of soldier clerks, I believe, is about 100; and the number of lady clerks is about 50. I think these roughly are the figures.

MINISTERIAL APPOINTMENTS RESERVED FOR MILITARY SUBORDINATES AND LADIES IN THE WAR OFFICE, LONDON.

54. ***Mr. S. C. Mitra:** Will Government please state the percentage of the ministerial appointments reserved for military subordinates and lady clerks at the War Office, London? If none, what is the special reason for this reservation in the Army Headquarters, India?

Mr. G. R. F. Tottenham: As regards the first portion of the question such information as is available shows that in the departments of the War Office which correspond to the Army Headquarters the ministerial establishment consists entirely of soldiers and *ex*-soldiers.

The second part of the question does not, therefore, arise.

Mr. S. C. Mitra: Are we to take it that there are no appointments of civilians in the British War Office and that no percentage of posts is reserved for lady clerks there?

Mr. G. R. F. Tottenham: No, that is not the exact position. As I will explain, when answering the next question, there are certain departments of the War Office in which civilians are employed. There are certain other departments in which military or *ex*-military personnel are employed. Those portions of the War Office which correspond to the Army Headquarters in this country employ military and *ex*-military personnel.

Mr. S. C. Mitra: What is the reason for making this difference in India as regards the Army Headquarters?

Mr. G. R. F. Tottenham: There is no difference.

Mr. S. C. Mitra: I think the Honourable Member said that in the War Office corresponding to this side there are only military men recruited, but here in India according to his own statement a large number of civilians are taken as clerks.

Mr. G. R. F. Tottenham: I am sorry I was wrong in my previous answer. The difference in this country is that we find that we can get on with civilian personnel, Indian clerks and so on, who can do the work adequately as long as there is a certain percentage of military and *ex*-military personnel in the establishment.

Dr. Ziauddin Ahmad: Is it the intention of Government to fill up the whole of the Army Headquarters by soldiers and *ex*-soldiers, as is said, is the case in the War Office?

Mr. G. R. F. Tottenham: No, Sir.

INFERIOR SERVICE CONDITIONS IN THE ARMY HEADQUARTERS.

55. ***Mr. S. C. Mitra:** (a) Is it a fact that duties of an identical nature are performed by the Army Headquarters, India, and the War Office, London?

(b) Is it a fact that the clerical personnel working at the India Office, Foreign Office, Home Office and the War Office, London, serve under identical service conditions?

(c) If the answers to parts (a) and (b) above be in the affirmative, will Government please state the reason why the clerical personnel working at the Army Headquarters, India, are in receipt of rates of pay, etc., far inferior to those drawn by their confreres in Military Finance, Army and other Departments of the Government of India?

(d) Is it a fact that the same question which is initiated by an Army Headquarter office on its own file is dealt with by the two other allied Departments, *viz.*, the Military Finance and the Army Department Secretariat?

(e) Is it a fact that the clerical personnel recruited by the Public Service Commission for all the Departments of Government (including Army Headquarters) have to pass the same competitive test?

(f) Will Government please state whether they have considered whether the Chief of the General Staff, the Adjutant General, the Quarter-Master General and the Master General of Ordnance in India should not draw lower emoluments than those drawn by the Army and other Secretaries to the Government of India? If not, why not?

Mr. G. R. F. Tottenham: (a) and (b). The War Office in England is composed of various departments some of which correspond to the Army Headquarters in India, while others correspond to the Army Department and Military Finance Branch in this country. The civil service personnel employed in the latter draw the same rates of pay as civil service personnel in other departments of the British Government just as the establishments of the Army Department and the Military Finance Branch draw the same rates of pay as the establishments in other secretariats in India. On the other hand the military and *ex*-military personnel employed in those branches of the War Office which correspond to the Army Headquarters draw in England, as in India, separate rates of pay of their own.

(c) Does not arise.

(d) Many questions initiated in the Army Headquarters are dealt with by the Military Finance Branch and the Army Department Secretariat.

(e) Yes, that has been the position of recent years.

(f) Government cannot accept the analogy implied by the Honourable Member because neither the pay of the high military authorities mentioned, nor that of Secretaries to Government is fixed with reference to the nature of the clerical duties performed by their respective offices.

PAY AND PROSPECTS OF THE INDIAN ARMY CORPS OF CLERKS.

56. ***Mr. S. C. Mitra:** (a) Will Government please state what is the principle underlying the latest Army Headquarters scheme of clerical organization contained in Army Department Letter, No. 38166/1 (A. D.-3), dated the 16th December, 1933, i.e., inferior prospects for Indians and superior prospects for the non-Indian element? What is the underlying reason for the racial discrimination?

(b) Will this principle be extended to other services and departments of Government? If not, what is the special reason for its confinement to the Army Headquarters?

(c) Will Government please furnish a comparative statement of the pay and prospects which will apply to the two wings of the Indian Army Corps of Clerks, viz., British and Indian wings, to be introduced for men joining Army Headquarter service from 1st January 1934?

(d) Is it a fact that an Indian winger will begin service on Rs. 60 per mensem and end with Rs. 300, while the corresponding figures for a British winger are Rs. 210 per mensem and 1,145 per mensem, which latter is the maximum pay that can be drawn by a quartermaster of the Indian Army Corps of Clerks? If not, what are the actual figures?

Mr. G. R. F. Tottenham: (a) The principle underlying the scheme is not to provide inferior prospects for Indians and superior prospects for the non-Indian element. The object of the scheme is to give military personnel the same rates of pay as they are entitled to receive at present in other military offices and to give civilian personnel a constitution better suited to a military organization and rates of pay reduced to give the same general financial effect as the reductions made for civilian personnel in other offices under the Government of India.

(b) Does not arise.

(c) The information will be found in Pay and Allowance Regulations Part I and Part I—Special, except that civilian personnel at the Army Headquarters as distinct from other military offices will receive a 20 per cent. allowance in addition.

(d) The starting pay for civilian clerks in the third Division will be Rs. 60 per mensem instead of Rs. 90 as hitherto. The minimum for military personnel, who are not now employed in the third Division, will remain as at present at Rs. 190. The maximum pay for which civilian clerks will be eligible will depend on the revised rates of pay which have not yet been fixed for officer supervisors and other higher appointments filled from the ministerial establishment. The maximum for a quartermaster of the Indian Army Corps of Clerks is as stated but this pay was never intended for persons performing purely clerical duties, and as a matter of fact there are now no quartermasters in the I. A. C. C.

The maximum pay of rank for a member of the British wing performing purely clerical duties will be Rs. 370.

Mr. S. C. Mitra: Should I be correct in assuming that the pay of the British wing and the Indian wing bear the same proportion as it is in the War Office in England between the civil and the military clerks?

Mr. G. R. F. Tottenham: I should like to have notice of that question. I do not know the exact rates of pay in the War Office.

Mr. B. V. Jadhav: May I know whether the 25 per cent. posts that are reserved for soldiers and ex-soldiers are also available for Indian soldiers and ex-soldiers?

Mr. G. R. F. Tottenham: At present they are reserved for British soldiers from British regiments.

Mr. S. C. Mitra: What is the special reason for making this discrimination?

Mr. G. R. F. Tottenham: I think the reason is that the sepoy in the Indian regiment has not, as a rule, sufficient education to perform clerical duties.

Mr. S. C. Mitra: The question is, if the proper man with the proper qualifications is available, will he get the same pay? Why do you call that side the "British wing" and not the soldiers' wing?

Mr. G. R. F. Tottenham: The reason underlying the distinction clearly is that members of the British Army require higher rates of pay than Indians living in their own country. The difference really is a difference in the rates of pay.

Dr. Ziauddin Ahmad: Is it not desirable to put down the qualifications for recruitment and not the regiments from which persons will be recruited? Ought not persons from all regiments to be recruited?

Mr. G. R. F. Tottenham: The point is that we want in the Army Headquarters a certain number of soldier clerks with military knowledge and

military experience. We cannot get clerks with that military experience from the Indian Army at present, because the ordinary run of person who enlists in the Indian Army does not go in for a high standard of education. On the other hand, in the British Army, we do have a certain number of men who have fairly high educational qualifications and are ready to take up these clerical posts. That is the reason why we employ a certain number of British military clerks in the Army Headquarters and in other offices of the Army.

Mr. B. V. Jadhav: In replying to the question regarding cadets, the Army Secretary told the House that even graduates were now enlisting in the Indian Army: will they not be suitable for this sort of work?

Mr. G. R. F. Tottenham: Yes; it is possible that we might get here and there an Indian Army sepoy who would be suitable for this work, but the general run of educational qualifications in the Indian Army is not so high as it is in the British Army, and the number of people in the Indian Army who would like to take up clerical work must be very small. Those persons to whom the Honourable Member referred, as having university qualifications, are generally Indians who join the Indian Army with the hope of rising in their regiments and obtaining Viceroy's Commissions and ultimately King's Commissions: they do not enter the Indian Army with the object of becoming clerks: they enter it rather with the object of becoming officers.

Mr. Muhammad Yamin Khan: May I ask what is the educational qualification of those people about whom the Honourable Member said that their rate of salary is Rs. 190 for soldier clerks, and why is there such a big difference between the two—190 in one case and 60 in the other?

Mr. G. R. F. Tottenham: I cannot say off-hand exactly what the educational qualifications required are, but the point is that Rs. 190 is considered the minimum wage on which a British soldier clerk can afford to live in Simla and in Delhi. These soldier clerks are always employed in the second division or in the first division of the Army Headquarters clerical establishments; they are not employed in the third division which performs mostly routine and clerical duties of a minor nature. It is for the third division alone that the minimum pay of Rs. 90 at present and Rs. 60 in future has been fixed.

Mr. Muhammad Yamin Khan: How much expenditure does it involve altogether by making this difference in salary?

Mr. G. R. F. Tottenham: The whole of this reorganisation is going to result in considerable saving of expenditure. I could not say exactly offhand what the amount will be.

Mr. S. O. Mitra: May I take it that the attention of the Honourable the Army Secretary was drawn to the Report "on the Ministerial establishments and the work performed by them at Army Headquarters and Royal Air Force Headquarters" by Mr. Macdonald, where he says:

"I regret, therefore, that I cannot endorse the view that the clerical work is such as requires the employment of British military subordinate personnel of the I. A. O. C. on special rates of pay."

Does he endorse that view?

Mr. G. R. F. Tottenham: I must ask for notice of that question: I have not read that report for a long time.

Mr. S. C. Mitra: May I draw his further attention to the fact that in reply to a previous question, by Mr. Reddi he said that these remarks applied only to a particular case: will he take care to read the remarks at pages 54 and 55 of Mr. Macdonald's report where he says:

"I have devoted considerable time and trouble to the examination of the clerical work of this Section from every possible aspect and I must admit that I have not come across a single case where technical knowledge in the real sense of the term was displayed in any of the notes or drafts submitted by any members of the office establishment."

Is he aware that this is not about a particular clerk, but it was about the special qualifications required for these technical clerks?

Mr. G. R. F. Tottenham: As I said, it is some time since I read that report, but I think the Honourable Member is referring to the question of the number of technical clerks who should be employed in the Army Headquarters. As a result of Mr. Macdonald's investigation, the number of these technical clerks was very largely reduced. As far as I remember, there used to be somewhere near 60 or 70, whereas at present there are only 20. I think that portion of the report which the Honourable Member has quoted referred to Mr. Macdonald's opinion as to the work of these technical clerks in the old days, when he gave it as his opinion that we were employing an unnecessarily expensive agency for certain duties; and in consequence of that we very largely reduced the number of technical clerks.

Sirdar Harbans Singh Brar: Will the Army Secretary tell us whether, if Indians, who now join as sepoys in the Indian Army with educational qualifications of university standard, fail to get the King's Commission, or the Viceroy's Commission for some reason or other, they will be considered for employment in the Army Headquarters as clerks on the same rates of pay as the British soldier clerks?

Mr. G. R. F. Tottenham: I will certainly consider that suggestion.

Mr. S. C. Mitra: Will the Army Secretary also accede to this, that the other side should not be called the "British soldiers wing", but the "soldiers wing" and that they should not make any distinction between Indian and English soldiers and that there should be no racial considerations?

Mr. G. R. F. Tottenham: I will also consider that question.

SUPERSESSION OF A MUSLIM SUPERINTENDENT IN THE QUARTERMASTER GENERAL'S BRANCH.

57. ***Mr. S. C. Mitra:** (a) With reference to the answer given to Mr. P. G. Reddi's starred question No. 1487 of the 22nd December, 1933, is it a fact that a Muhammadan Superintendent in the Quartermaster General's Branch, who was the most senior man on the list, was superseded for promotion to an officer supervisor's post by a junior ex-soldier superintendent last year? If so, what was the reason for that supersession?

(b) Are Government prepared to refer the two men's confidential reports to the Public Service Commission with a view to public satisfaction that racial discrimination was not the cause of the supersession? If not, why not?

Mr. G. R. F. Tottenham: (a) Yes, because the post of Officer Supervisor is a selection post and the Muhammadan Superintendent was not considered the best man to fill it.

(b) No, Sir. Because the very high officer in whose discretion the matter rested was in the best position to judge the relative efficiency of the various men working in his office and there is no reason whatever to believe that his choice was in any way influenced by racial considerations.

TECHNICAL MILITARY CLERKS IN THE MASTER-GENERAL OF THE ORDNANCE BRANCH.

58. ***Mr. S. C. Mitra:** (a) Is it a fact that the eleven warrant officers employed as technical military clerks in Master-General of the Ordnance Branch have not been replaced in the establishments from which they were drawn, and if so, is it a fact that the substance of the answer to Mr. P. G. Reddi's starred question No. 1485, part (a), dated the 22nd December, 1933, is incorrect?

(b) Is it a fact that the legitimate functions of these men were carried on for years together, during their absence, without the necessity of appointing substitutes and if so, have Government considered the question of declaring them surplus to the establishments to which they belong?

(c) With reference to the answer to part (d) of the same question, has any experiment ever been made to see whether the permanent clerical establishment (including the British civilian personnel) are capable of performing the work on which these highly paid technical clerks are employed? If so, what are the names of the clerks who, as a result, were found failures?

(d) With reference to the answer to part (c) of the same question, will Government please state the name of the individual who was immediately replaced by a routine clerk, and his present whereabouts?

(e) Will Government please now answer part (h) of the original question in the light of the above questions?

Mr. G. R. F. Tottenham: (a) and (b). The previous answer was quite correct. As a matter of fact, there are only four technical clerks in the M. G. O. Branch who have not been replaced in arsenals, but it is immaterial where the men are employed. The point is that they are employed where they are most wanted and are not therefore surplus to requirements.

(c) It takes years of specialised training in arsenals for technical clerks to acquire the knowledge necessary for the efficient discharge of their duties at the Army Headquarters. There are no facilities for acquiring this knowledge at the Army Headquarters, and consequently an experiment on the lines indicated has not been, and could not be, made. The place in which to make experiments is the arsenals and this is being done by employing Indians as storekeepers in arsenals.

(d) No.

(e) I can only repeat the reply previously given.

Mr. S. C. Mitra: May I take it then that the Honourable the Army Secretary accepts that these 11 men were surplus?

Mr. G. R. F. Tottenham: As I said, there were 11 of these men altogether: seven of them were replaced in the arsenals and four of them were not. None was surplus.

**POSTS OF DIRECTOR AND ASSISTANT DIRECTOR OF REGULATIONS AND FORMS
IN THE ARMY DEPARTMENT.**

59. *Mr. S. C. Mitra: (a) Will Government please state the rates of pay of the posts of Director of Regulations and Forms and Assistant Director of Regulations and Forms (or officer on special duty) in the Army Department?

(b) What are the functions attached to these posts? Does the Director produce regulations for the Army in India, or merely supervise the publication of regulations and their amendments?

(c) Is there a corresponding appointment on the civil side? If not, to which appointment on that side are similar duties assigned?

(d) Does the Director combine duties connected with clerical establishment of the Army Headquarters with his main functions? If so, what part of his time is devoted to establishment questions?

(e) Will Government please state the period for which the Director of Regulations and Forms was specially employed in connection with the drafting of the Army Fundamental Rules during last summer?

(f) Will Government please lay on the table a copy of the Army Fundamental Rules which is Mr. Macdonald's product and the original civil Fundamental Rule which was faithfully copied with slight amendments?

(g) Was the recent Army Headquarters scheme of clerical organization worked out by Mr Macdonald? If so, what was the period of time devoted on this work?

(h) Are Government aware of the impression that officers with known anti-Indian bias receive accelerated promotion in the Army Department?

Mr. G. R. F. Tottenham: (a) The Director, Regulations and Forms, receives the pay of his grade *plus* Rs. 400 per mensem. The Officer on Special Duty gets Rs. 1,450 per mensem. I may add that the two appointments are at the present moment combined into one.

(b) (i) The co-ordination and review of all amendments to regulations, and the drafting of some of them.

(ii) The control of forms.

(iii) The control of expenditure on printing and stationery, forms, and matters relating to office machinery.

(iv) The superintendence of all matters relating to the establishments of Army and Royal Air Force Headquarters.

(c) As far as I am aware, there is no corresponding appointment in any other Department, because no other Department has so many regulations and forms to deal with.

(d) Yes. The time devoted to establishment questions varies from day to day.

(e) He has been employed partially on this work since last June.

(f) The Rules have not yet been completed. They are not by any means a copy of the Civil Fundamental Rules.

(g) Mr. Macdonald assisted in its preparation. The completed scheme is the work of the Government of India. Mr. Macdonald did not keep any record of the time he spent on this particular file.

(h) No, nor is it a fact.

Mr. S. C. Mitra: Will the Honourable Member tell us if the duty of the Director is to make suggestion for framing Regulations and forms or merely to place and paste the slips of amendments in their proper places? Is he merely to attend to the technical portion of the work?

Mr. G. R. F. Tottenham: His duty is to see that the Regulations are issued in a correct and intelligible form. Amendments to Regulations are drafted originally in the branches of the Army Headquarters. They then come to him in his section in the Army Department, and he has to see that the amendments proposed are in order, that they fit in with the other books of Regulations and generally to ensure that the amendments as finally issued are in a correct and intelligible form.

Mr. S. C. Mitra: Is it not more or less a misnomer to call him the Director of Regulations when his actual duties are, like a clerk, to see whether notices are given and sections are amended in their proper places and the duties are not of an officer to justify the salary of Rs. 3,000 a month?

Mr. G. R. F. Tottenham: In addition to this work of watching the amendments to Regulations as they come in day by day, the Director of Regulations is also employed on a great deal of original work in drafting new sets of Regulations for the Army in India.

Dr. Ziauddin Ahmad: May I know, Sir, whether the Army Secretary has heard of the post of Director of Regulations in any Department in any country?

Mr. F. E. James: There is a similar appointment in the War Office at Home.

Mr. G. R. F. Tottenham: I said I did not know.

Dr. Ziauddin Ahmad: I understand the answer is in the negative. Then what is the use of keeping the post of Director of Regulations?

Mr. G. R. F. Tottenham: I have already answered that question. I have said that, as far as I am aware, there is no corresponding appointment in any other Department in India, because no Department has so many Regulations and Forms to deal with, but I understand from an interjection of my friend, Mr. James, that there is a similar appointment in the War Office at Home.

Mr. S. C. Mitra: What is the pay of those officers? Perhaps Mr. James will be able to give us that information?

EXISTING CONSTITUTION OF THE CLERICAL ESTABLISHMENT OF THE ARMY HEADQUARTERS.

60. ***Mr. S. C. Mitra:** (a) With reference to the remark contained in the opening paragraph of Army Department letter No. 38166/1 (A. D. 3), dated the 16th December, 1933, to the effect that the existing constitution of the clerical establishment of the Army Headquarters has not produced the degree of efficiency considered necessary, will Government please state (i) in what way it has proved inefficient; (ii) for how many years the existing constitution has been in force; (iii) who was responsible for its creation; and (iv) whether the degree of its inefficiency was investigated and reported by the heads of Army Headquarters Branches responsible for employing the clerical establishment?

(b) Will Government please state how the mere placing of Indian element there on inferior prospects and service conditions *vis-à-vis* their British colleagues, would tend to improve the efficiency considered necessary?

(c) Are Government prepared to appoint a mixed committee to investigate the causes that led to the non-production of the desired efficiency, whether the highly paid or the low paid personnel were responsible for it? If not, why not?

Mr. G. R. F. Tottenham: (a), (i) The present arrangement under which none of the personnel in the Army Headquarters is in any way subject to military discipline has not always worked well and is inappropriate in a military organisation.

(ii) About 11 years.

(iii) The Government of India.

(iv) The necessity for the revised constitution was accepted by the Heads of all Branches.

(b) In view of my reply to serial No. 56 this question does not arise.

(c) No, because the constitution previously in force was given an exhaustive trial before the change was introduced and the Government of India are satisfied that further investigation would serve no useful purpose.

TRAVELLING ALLOWANCE GRANTED TO BRITISH MILITARY AND LADY CLERKS FOR THE MOVES BETWEEN SIMLA AND DELHI.

61. ***Mr. S. C. Mitra:** Is it a fact that British military and lady clerks are granted second class travelling allowance in connection with the moves between Simla and Delhi, irrespective of the amount of pay drawn by them, and that this concession is denied to Indian clerks until their pay exceeds Rs. 200 per mensem? If so, what is the underlying principle?

The Honourable Sir Harry Haig: According to Rule 17 (c) of the Supplementary Rules made under the Fundamental Rules, all Government servants in superior service in receipt of actual pay not exceeding Rs. 200 a month who are subject to the Fundamental Rules are third grade officers for the purpose of travelling allowance, but under Supplementary Rule 18 lady clerks irrespective of nationality are treated as second class officers for this purpose in consideration of their sex. British military clerks are not subject to the Fundamental Rules. They are governed by Military Regulations under which they are entitled to second class accommodation.

VALUE OF INDIAN EXPORTS AND IMPORTS TO AND FROM JAPAN.

62. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to give the total value of Indian exports and imports to and from Japan during the calendar year 1933, mentioning, if possible, the principal items?

(b) At what value is the *yen* reckoned in the calculation?

(c) What is the pre-war value of the *yen* in rupees and what was the value on the 15th January, 1934?

The Honourable Sir Joseph Bhore: With your permission, I will reply to questions Nos. 62 and 63 together. The information is being collected as far as possible, and, when complete, will be laid on the table.

VALUE OF GOODS IMPORTED FROM JAPAN.

†63. ***Dr. Ziauddin Ahmad:** What is the total value of goods imported from Japan since the beginning of the commercial negotiation talk with the Government of India?

OVERCROWDING OF THE PRINCIPAL TRAINS ON THE METRE GAUGE SECTION OF THE SOUTH INDIAN RAILWAY.

64 ***Rao Bahadur M. C. Rajah:** (a) Are Government aware of the fact that the principal trains on the metre gauge section of the South Indian Railway are invariably over-crowded?

(b) Are Government aware that in many of these trains the accommodation for third class passengers consists mainly of small benches designed to seat only two persons each and that the benches do not allow of persons stretching themselves even if there is no crowding?

(c) Will Government please state if such accommodation is provided on any other railway in India?

(d) Do Government propose to take action to see that the railway does not put coaches containing this kind of accommodation on through trains running for long distances and that this type of coach is finally discontinued altogether?

Mr. P. R. Rau: I have called for the information from the Agent, South Indian Railway, and will lay a reply on the table later

RUNNING OF THE GRAND TRUNK EXPRESS BETWEEN MADRAS AND DELHI.

65. ***Rao Bahadur M. C. Rajah:** (a) Is it a fact that the Grand Trunk Express, when originally started some years back, was run between Peshawar and Mangalore?

(b) Is it a fact that some time later the run was restricted between Madras and Lahore, and that the train now runs only between Madras and Delhi though the original name remains unaltered?

(c) Are Government aware that passengers from Madras and the Central Provinces, as well as portions of the United Provinces, are greatly inconvenienced at not having a through train to Lahore and that the delay of over ten hours in Delhi causes great inconvenience to business and professional men?

† For answer to this question, see answer to question No. 62.

(d) Are Government prepared to consider the possibility of running the Grand Trunk Express through at least to Lahore, if not to Peshawar?

Mr. P. R. Rau: (a) and (b). Yes. My Honourable friend is probably aware that the successive reductions in the length of the run were made because the through traffic was very much less than was anticipated when the train was originally started.

(c) and (d). Through passengers, if there are any, from the South to Lahore will probably be inconvenienced because of the delay at Delhi, but I am afraid I cannot hold out any hopes that it will be possible in the near future to run the train further than Delhi. It has, on the other hand, been represented that the existing traffic hardly justifies a through train from Madras even to Delhi, and unless traffic improves sufficiently, its discontinuance will have to be seriously considered

UNSTARRED QUESTIONS AND ANSWERS.

DESIRABILITY OF APPOINTING PERSONS POSSESSING THE QUALIFICATION OF A CHEMIST TO THE POSTS OF THE CONTROLLER OF PRINTING AND STATIONERY AND THE DEPUTY CONTROLLER, CENTRAL STATIONERY OFFICE, CALCUTTA.

10. Mr. S. C. Mitra: (a) Will Government be pleased to state whether Mr. C. T. Letton, Controller of Printing and Stationery and Mr. C. F. Weakford, Deputy Controller, Central Stationery Office, Calcutta, possess the educational qualification of a chemist?

(b) If the answer to part (a) be in the negative, will Government be pleased to state how, in deciding the annual tender of the Central Stationery Office, Calcutta, they exercise the check over the report of the store examiner of their office containing the physical and chemical tests of articles, made in the chemical laboratory of the Office?

(c) Will Government be pleased to state whether, in view of the fact that considerable physical and chemical tests are applied on all articles of stationery at the time of decision of annual tender of the Central Stationery Office, Calcutta, Government are considering the desirability of appointing persons possessing educational qualification of a chemist to the posts of Controller of Printing and Stationery and Deputy Controller, Central Stationery Office, Calcutta?

(d) Is it a fact that Mr. C. F. Weakford, Deputy Controller, Central Stationery Office, Calcutta, was all along in charge of Printing Presses and never worked in any firm of stationers or stationery office?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state how he was appointed to the post of Deputy Controller, Central Stationery Office, Calcutta, ignoring the recommendations of Sir William Meyer's Committee of the year 1903-04 for the post?

The Honourable Sir Frank Noyce: (a) No.

(b) The Controller of Printing and Stationery is a practical printer and possesses sufficient knowledge of paper and other articles of stationery and printing stores to enable him to decide on tenders. In the matter of physical and chemical tests he is assisted by the technical staff under him.

(c) No. Government do not consider that the qualifications of a chemist are in any way necessary for the efficient discharge of the duties of the posts.

(d) No: he was for some time Controller of Printing and Stationery, Iraq.

(e) Does not arise. I may add that the Committee of 1903-04 considered that a man of the Deputy Collector class would be suitable for the post of Deputy Controller, Stationery.

DECENTRALIZATION OF THE CENTRAL STATIONERY OFFICE, CALCUTTA.

11. **Mr. S. C. Mitra:** (a) Will Government be pleased to state whether it is a fact that the Central Stationery Office, Calcutta, has been decentralized and that three small centres have been opened?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state when the above three small centres were opened and with what financial result?

(c) Will Government be pleased to lay on the table a statement showing the following:

(i) the total value of stationery supplied by the Central Stationery Office, Calcutta, before and after the opening of the above three small centres;

(ii) the total value of stationery supplied by the Central Stationery Office, Calcutta, and the above three small centres during the year 1932-33;

(iii) the total cost of establishment and contingencies of the Central Stationery Office, Calcutta, before the opening of the above three small centres; and

(iv) the total cost of establishment and contingencies of the Central Stationery Office, Calcutta, and the above three small centres during the year 1932-33?

(d) Is it a fact that owing to the bulk of the supply of stationery made by the Central Stationery Office, Calcutta, being very heavy, almost all the articles are being purchased by that office at much lower rates than those by the above three small centres?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state whether they are considering the desirability of closing down the above three small centres in order to centralize the supply, as before, from economic points of view?

The Honourable Sir Frank Noyce: (a) No.

(b) to (e). Do not arise.

NON-OBSERVANCE OF HOLIDAY ON ACCOUNT OF THE JAGADDHATRI PUJA IN THE GOVERNMENT TEST HOUSE, ALIPORE.

12. **Mr. S. C. Mitra:** (a) Are Government prepared to enquire if the Government Test House at Alipore was not closed on the 27th October, 1933, although that was a gazetted holiday on account of the Jagaddhatrī Puja?

(b) Is there any reason why gazetted holidays to celebrate Hindu festivals are not observed in the Government Test House?

(c) Are the authorities of the Government Test House mostly non-Hindus?

The Honourable Sir Frank Noyce: Information has been called for and will be laid on the table of the House in due course.

GRANT OF INCREMENTS TO THE OFFICIALS OF THE SORTING OFFICE, MADRAS GENERAL POST OFFICE.

13. Rao Bahadur M. O. Rajah: With reference to the answer given by Government to the unstarred question No. 137 (a) on the 20th September, 1933, regarding grant of increments to the officials of the Sorting Office, Madras General Post Office, will Government be pleased to lay on the table the decision they have reached?

The Honourable Sir Frank Noyce: The Honourable Member is referred to the reply given to his own unstarred question No. 305 in this House on the 11th December last. Government expect to reach a decision shortly.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR PILGRIMAGE TO THE HEDJAZ.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the Assembly that the following five Members have been elected to the Standing Committee for Pilgrimage to the Hedjaz, namely:

- (1) Kunwar Hajeer Ismail Ali Khan,
- (2) Mr. M. Maswood Ahmad,
- (3) Haji Chaudhury Muhammad Ismail Khan,
- (4) Khan Bahadur Haji Wajihuddin, and
- (5) Maulvi Sayyid Murtuza Saheb Bahadur.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I lay on the table:

- (i) the information promised in reply to unstarred question No. 288 asked by Mr. S. C. Mitra on the 11th December, 1933;
- (ii) the information promised in reply to unstarred question No. 289 asked by Mr. S. C. Mitra on the 11th December, 1933;
- (iii) the information promised in reply to starred question No. 1392 asked by Pandit Satyendra Nath Sen on the 12th December, 1933;
- (iv) the information promised in reply to starred question No. 1393 asked by Pandit Satyendra Nath Sen on the 12th December 1933;

- (v) the information promised in reply to starred question No. 1394 asked by Pandit Satyendra Nath Sen on the 12th December, 1933;
- (vi) the information promised in reply to unstarred question No. 347 asked by Mr. Uppi Sahib Bahadur on the 16th December, 1933.

REDUCTION IN THE NUMBER OF POSTAL BEATS IN THE SANKARPUR VILLAGE,
JESSORE DISTRICT.

288. (a) No such memorials can be traced.
- (b) Does not arise.
- (c) No. Sankarpur is being served three times a week since January, 1930, before which it was served only twice weekly.
- (d) No. Habakhali used to be served twice weekly up to July, 1929, since when it is being served four times weekly.
- (e) Government regret that the information is not available.
- (f) Does not arise in view of the replies to parts (a) to (d) above.

INCREASE IN THE NUMBER OF PEONS AND INTRODUCTION OF THE SYSTEM OF
DAILY BEATS IN THE NALDI POST OFFICE, JESSORE.

289. (a) No.
- (b) and (c). It is presumed that the enquiry relates to the number of postmen. One postman is employed at Naldi and two at Nohata. The reply to part (c) is in the negative.

NON-OCCUPATION OF HIS QUARTERS BY THE OFFICER-IN-CHARGE, NEW DELHI
CENTRAL TELEGRAPH OFFICE.

*1392. The reply to the question is in the affirmative.

The Officer in charge, New Delhi Central Telegraph Office, had obtained permission to occupy private quarters which are in close proximity to the Central Telegraph Office.

Satisfactory arrangements were made to call him to office in case of emergency, and in fact he was called up several times out of office hours and attended to his duties immediately.

DELAY IN TRANSMISSION OF TELEGRAMS IN THE NEW DELHI TELEGRAPH
OFFICE.

*1393. The records of delays in transmission to telegrams during the last six months compare favourably with those of the previous periods. The second part of the question does not therefore arise.

PRESS TELEGRAMS ADDRESSED TO THE STATESMAN.

*1394. (a) In cases of unintelligible news, apparent errors or mutilations in press telegrams, corrections are obtained by service telegrams by the New Delhi Telegraph Office and supplied to the *Statesman* or any other newspaper without any request from the newspaper concerned. Mistakes and omissions due to service errors when brought to notice by any newspaper are also rectified by service telegrams. This latter concession has been usually allowed, as the telegraph offices have no means of checking omissions of word or words in press telegrams

(b) and (c). The question does not therefore arise



MOPLAHS IN POSTAL SERVICE.

347. (i) Peons (i.e., runners, postmen and village postmen).	13
(ii) Clerks	6
(iii) Other officers	4

Mr. G. R. F. Tottenham (Army Secretary): Sir, I lay on the table the information promised in reply to unstarred question No. 327 asked by Mr. S. G. Jog on the 14th December, 1933.

GRANT OF DISABILITY PENSION TO CERTAIN PERSONS INVALIDED DURING THE GREAT WAR.

- (a) Not before this question was asked.
- (b) There are no restrictions on the admission of appeals which are well-founded.
- (c) Government recognise the principle and act upon it.
- (d) When an appeal is well-founded (and such appeals are not infrequent) a fresh medical board is assembled to examine the present condition of the individual. The examination takes into account (i) newly developed diseases, and (ii) old diseases which were dealt with by previous medical boards, and whether they had since improved or got worse. The fresh boards do not, however, question the findings and recommendations of the previous boards.
- (e) Attention is invited to the answer to part (b). In most cases it is not possible for a board to say that because a man has no disability now he had none before.
- (f) Because the appeals were not supported by any evidence.

RESOLUTION *RE* GRIEVANCES OF THE TRAVELLING PUBLIC ON THE ASSAM BENGAL RAILWAY.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume discussion of the Resolution* moved by Kumar Gopika Romon Roy on the 7th September, 1933.

Kumar Gopika Romon Roy (Surma Valley *cum* Shillong: Non-Muham-madan): Sir, I paused for a reply at the end of my speech in Simla on the 7th September last. Will the Honourable Member from Assam say what he has to reply to my query?

Mr. President (The Honourable Sir Shanmukham Chetty): He must have forgotten the query put by the Honourable Member.

Kumar Gopika Romon Roy: Then I will remind him with an illustration. I asked him whether he could corroborate my statement regarding Phakhoagram station.

(At this stage, the Honourable Member handed in two photographs to some of the Honourable Members.)

Here is the station house and here is the frontage. I said that sometimes after the departure of the night train the King of Forests visited this site. Now, it is for the House to see whether my narration is correct or not.

*"That this Assembly recommends to the Governor General in Council that immediate and adequate steps be taken by the Railway Board to redress the various grievances of the general travelling public and particularly of the public travelling by the Assam Bengal Railway."

Mr. J. Hazlett (Assam: Nominated Official): It is perfectly true, that station is in the midst of the jungle, but I cannot say that tigers go there. It is also perfectly true that all the station buildings are temporary. The branch line was only constructed about three or four years ago, and the Railway authorities have not the money to make permanent buildings. If my Honourable friend wants any further information, I shall be able to give it to him after he has finished his speech, but I reserve my observations until I hear what he has got to say.

Kumar Gopika Romon Roy: Does my Honourable friend corroborate my statement that the path to the station is not quite safe for the travelling public?

Mr. J. Hazlett: The path is through a jungle.

Kunwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): Will these photographs form part of the proceedings of the Assembly?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member can proceed with his speech.

Kumar Gopika Romon Roy: Sir, I shall give my friend a few more illustrations. The Honourable Member and the House will get another copy of the specimen of the dangerous practice which I mentioned in my letter No. A.-113, dated the 13th August 1932,—thus:

"After a long time I am going to write to you this letter. I tried my level best to represent the untold miseries of the passengers who travel from my zemindari by the Phakhoagram station.

I think if you would have given your consideration regarding the awful inconveniences to which a passenger is put to, you would have been inclined to spare about Rs. 100 to remove the station near "Noa Nabin", i.e., near the Telegraph mileage 258/3 or 258/4, but, as usual, you insisted on keeping the station at its former site though I tried my level best to represent to you the various troubles and difficulties of the passengers who travel from the eastern bank of "Son Beel" by the Phakhoagram station. I would not bother you for this question, because I have tabled a Resolution in the Assembly which, I hope, will come on the next Simla Session. The copy of the proceedings, I hope, will be forwarded to you by the Honourable Member in Charge of the Railways, in due course.

Now I have noticed another dangerous practice which is freely indulged in your Railway. As a representative of my constituency, I cannot but raise a most emphatic protest against such procedure which is risky for the third class travelling public but a luxury and pleasure for the railway staff. I have noticed that the third class compartments are locked when the train leaves for a destination and are not unlocked till she reaches her terminus. Scarcely one of the doors of such third class carriage remains open for entraining and alighting purpose of the third class travelling folks. Obviously this is practised for the convenience of checking third class passengers' tickets. But I think your Railway authority had not the time to see what a dangerous process this practice has indulged in between the third class travelling passengers. The train does not stop at a station for any length of time. She naturally passes quick to run in time and the third class passengers, the bulk of which are merely uneducated folks not having the wisdom to judge serious consequence, do jump into the third class compartment through the windows and they get out of the compartment following the same procedure. I hope you will also agree that these are most risky procedure and there is every likelihood of a third class passenger meeting with a serious accident. May I, on behalf of my constituency and the travelling third class passengers, request you to remove this dangerous procedure."

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I received a reply to this letter of mine from the Acting Agent of the Assam Bengal Railway, dated the 10th September, 1932, No. E./359, reading as follows:

"I have to thank you for your letter of the 13th August, 1932.

2. As regards the moving of Phakhoagram station to a new site, the question has been very carefully investigated from time to time and, as a result of these investigations, I have come to the conclusion that the removal to the mileage suggested by you would not be in the interests of the Railway Company. In fact, the only possible site would be about mile 262.

3. The removal of the station would not prove very remunerative and, I regret to state, cannot be considered in the present depressed state of the Railway's finances. The question must, therefore, stand over till there is an improvement in financial conditions.

4. The other point you raise regarding the locking of doors of III class carriages, I have to point out, had to be introduced in order to protect the Company against passengers joining train without having purchased tickets. The orders on the locking of the doors have been misinterpreted by the staff as it was never the intention to lock the doors on both sides. The Traffic Manager has since issued orders that the doors are not to be locked on both sides and I am sure you will find that the inconvenience to the passengers has been greatly mitigated by issue of these orders."

Sir, that situation, which has been suggested by the Acting Agent, for the removal of the Phakhoagram Station will be of equal inconvenience to the passengers from the Eastern bank of "Son Beel". This is exactly why I spoke in my last cut motion speech on the Assam Bengal Railway:

"The Assam Bengal Railway specialises in inconvenience of the passengers."

As regards the dangerous practice of locking the doors of the lower class passengers, the Agent writes that his orders were misunderstood by his subordinate staff and this is how the above irregularity has been noticed by me. I crave the indulgence of the Honourable Members of the House for telling a story. Once upon a time, the Emperor of China, while strolling on the roof of his palace, marked that there were innumerable wretched poor people, ill-fed and ill-clad. Kind-hearted as the Emperor was, the sight shocked him. He immediately summoned his Prime Minister and commanded him that there should be no more ill-fed and ill-clad poor wretches in his empire, meaning thereby that the poor should be well-fed and well-clothed at State expense. The Minister conveyed the Command of the Emperor to the Commander, but as the order was going from higher to the lower rank of officers, certain modifications and amendments in the Command of the Emperor also went on. At last, when the order reached the "Kotwal", that is to say, the Police Superintendent, the order reached the police in the following form: That the Emperor does not like to see from the next morning any ill-fed and ill-clad poor in the streets of China, hence a total massacre of the destitutes and the poor has been commanded by the Emperor. From the next morning the police, as habituated in the usual massacre, started massacre of the poor and destitutes in China. The Emperor in his utter dismay heard the sky of China to be filled with screamings and cries. The Prime Minister, after enquiry, informed the Emperor that this was the consequence of the Emperor's yesterday's Command, the Command had undergone certain amount of amendments and modifications and reached the Kotwal for the total annihilation of the poor and destitutes of China. The police has started massacre and that is why the sky of China is filled with screams and cries. Sir, I smelt the same spirit in the orders of the Acting Agent of the Assam Bengal Railway.

I will give another picture of the dangerous practices. Sir,—I am subject to correction,—I remember, in the regime of His Excellency Lord Reading, the Viceroy of India, just after the Mopla Tragedy in Madras, there was an Order passed from the Government of India, prohibiting all Railways in India to use goods wagons as passengers' vehicles. If I am correct, that order has not in any way affected our darling Assam Bengal Railway, it seems that they think either they run their railways outside India or they think, as a "Pet child" of the Government, they are protected by some sort of charter and they are exempted from the jurisdictions of such order. They yet and without any sort of hesitation indulge freely to the use of goods wagons for the passengers' traffic in rush times, *viz.*, *melas*, festive occasions and in like other occasions. Sir, I have known them so long as specialists in inconveniences, but, Sir, I have very recently discovered that our Assam Bengal Railway have a special hobby of indulging into the very dangerous practices. Sir, I have noticed in the streets of Calcutta side by side with the traffic police there appear some other persons in uniform with the letter in Brass on their both shoulders, the letters are S.P.C.A. On enquiry, as to who they are or what sort of police they are, I came to learn that the full construction of the abovenamed four letters are "Society for the Prevention of Cruelty to Animals" and that these officers were of that Society to see that no cruelty be perpetrated on the animals. Sir, are human beings out of the clutches of that Society? If not, why they do not take cognisance of the offences of cruelty perpetrated to the human beings by the Assam Bengal Railway?

Of the inconveniences, I will first narrate about the "Shutters" on the doors. Sir, in all the Railways, there are handles for shutting the doors both outside and inside the compartments, but, in our Assam Bengal Railway, there is no handle inside the carriages, so you may easily imagine how a passenger may shut the door in rainy days or in a winter night without exposing a part of his body in the rains or winter. So this "Invention" is no doubt very original for the Assam Bengal Railway. Of the inconveniences I will just cite another horrible picture.

Sir, I wrote a letter of complaint to Mr. S. C. Das, the D.T.S. of Badarpur, the details of which you will find in my letter
12 Noon. No. A-88, dated the 29th September 1931. The letter runs thus:

"I had to start yesterday from Ampure to Sylhet Bazar. I left Karimganj by the Down Surma Mail and got down at Kulaura to catch the Sylhet train. The Sylhet train did not arrive at Kulaura when the Mail steamed in at Kulaura. I was travelling with my little son and a daughter. They had Second Class tickets with one escort who had also a Second Class ticket. It was about a quarter to nine in the evening when my children were taking meal in their own compartment. Suddenly the electric lights and the fans were switched off. On enquiry to the Station Master, I gathered that the electric current is disconnected just after the arrival of the train and that it is re-connected only just at 9 O'clock, *i.e.*, 25 minutes before the Sylhet train leaves for Sylhet. Perhaps it is needless to explain what amount of trouble it means for a passenger who travels by the Down Mail for Sylhet to unload once his luggage into the Waiting Room and again to take them into the train just before 25 minutes. The intermediate time between the arrival of the Sylhet Bazar Train at Kulaura and the 9 O'clock train is not much longer than half-an-hour or thereabout. And I do not think that the Railway Company's electric consumption will be very much greater by keeping the lights lit for this half-an-hour. Perhaps you would agree that the Railway business cannot only flourish if the Railway Company looks to their profit alone and take no notice for the comfort of the passengers, the travelling public. I have not travelled by the Sylhet train for the last four years. This is one picture of the lighting department at Kulaura. I will give a more horrifying picture of the same department at the Sylhet Bazar Station later on. Perhaps you are aware that the train which leaves Kulaura at 9.25 or so arrives sometimes at 12

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midnight or later in the morning the next day at Sylhet and you have no suitable waiting room in the Sylhet Bazar Station. You cannot expect a gentleman travelling in the First or Second Class to get down from the train at such a very late hour and cross the river. On the other bank of the river, there is no surety whether any conveyance would be available for such passengers to carry them to their home, so there is no other alternative for such passengers but to lie down in the train and wait for the morning. I arrived yesterday night at 12 O'clock when my children and myself were fast asleep. I instructed my officers to ask the Station Master to grant us permission to sleep in the train till morning. My officers asked the Assistant Station Master on duty. He said to my man that there was no such order of the authority to allow anybody to sleep in the train, and he told that there will be no lights or fans, because the lighting department will not allow the use of any current after the arrival of the train at Sylhet. To this my officers told that we would use our own lights and "Kiko" Fan. But the lighting department man at Sylhet Bazar used much abusive language, hearing which I awoke from my sleep, but as it was raining heavily, I could not vacate the carriage and had to bear with calm patience all these untoward and ungentlemanly behaviour from a railway servant. I think it will not be out of place here, if I cite an example of the Up and Down Punjab Mails which carry the Delhi rake both Up and Down. The Up Punjab Mail arrives at the Delhi Junction at about 11 O'clock at night, but the rake is detached from the Punjab Mail and kept in a siding while the First and Second Class passengers' sleep is not disturbed in any way, nor the lights and fans are disconnected. Similarly, the Down Punjab Mail arrives at 3 O'clock at the Delhi Junction, but the First and Second Class passengers and their servants are allowed to sleep in the Delhi rake just after dinner and they are moreover allowed to use lights and fans. When the Punjab Mail arrives from Kalka at 3 in the morning, the rake is quietly shunted and attached to the Punjab Mail. This is the treatment which is accorded to the First and Second Class passengers at a station like the Delhi Junction, where electric lights hardly make any difference between day and night, and where any number of motor cars are available within 50 yards of the platform, but for the Sylhet Ghat, which is a crossing ghat of the Sylhet Bazar station, the less we talk about it the better. It is a dangerous crossing in rainy nights and there is every chance of their getting drowned in the river. The Railway Company expects the First and Second Class passengers to travel on such dangerous passage at the dead of night. This is why I told in my Legislative Assembly speech that "The Assam Bengal Railway specialises in inconveniences".

I give you the description, though not an exhaustive one, and would it be too much if I expect proper redress at the hands of a reasonable gentleman like yourself in the interests of the travelling public by such trains

I will be leaving Sylhet tomorrow night and shall reach Muktaranpore Thursday morning. I will let you know afterwards, when I will be able to meet you at Badarpur."

The D.T.S. replied in his letter No. D.O.D.-131, dated the 1st October, 1931, as follows:

"I have received your letter No. A. 88, of the 29th September, 1931. I am sorry for the inconvenience you were put to, and I am looking into the matter. Thank you for bringing it to my notice."

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member must finish in five minutes now.

Kumar Gopika Romon Roy: Sir, though the D.T.S. assured me that he would look into the matter in his above mentioned letter, his assurance did not bear any fruitful remedy, as Honourable Members will be able to gather from the letter. I wrote again to the D.T.S. My letter was No. A-107, dated the 27th January, 1932, and it runs thus:

"Excuse me for raking up the old malady for which I had to disturb you by my letter No. A-88, dated the 29th September, 1931, from Rajbati, Sylhet, to which you sent me a reply by your D.O.D. 131, dated the 1st October, 1931, saying that you will look into my complaint. Since then I have not heard anything about my complaint. I had

again to start for Sylhet from Nilambazar on the 19th instant with my children and had to travel by the 2 Down Surma Mail from Karimganj to Kulaura. Just as I alighted from the Mail at Kulaura, I witnessed an incident which I cannot but bring to your notice as a representative Member of the Legislative Assembly of the Surma Valley. I found some up-country labour class people at the front of the Ticket Collector's Room at Kulaura and a T. T. E., most probably of the Mail, kicking one of the fellows. This spectacle I could not overlook. I stood there to hear what was the fault of the poor up-country labourer for which he was being so badly molested by the T. T. E. The story the labourer narrated to the T. T. E. is this. These fellows entrained at the Juri station in the Mail. They narrated, as far as I remember, that they paid Rs. 20 and a few annas for five and a half third class tickets from Juri to Goalundo or somewhere else, but they received four and a half third class tickets, i.e., one ticket shorter than the number of persons travelling in the party. The T. T. E. on checking the tickets, while the train was in motion between Juri and Kulaura, found one man in the party travelling without ticket and that was the oldest man in the party. The T. T. E., on the arrival of the Surma Mail at Kulaura, got the whole party down from the train. Perhaps the old man passed the Ticket Collector's room as he naturally did not know where he was being led. On this the T. T. E. shouted; "Ay, Shala, Kaha Bhag Jata", and he jumped upon the men and started kicking right and left and dashed the old man into the Ticket Collector's room behind whom I noticed the Station Master also looking into the affair. After a while, the Station Master quietly slipped off from the spectacle. I do not know whether he took any steps or not. There was another up-country Muhammadan Ticket Collector whose behaviour was quite up to the mark and I have nothing to complain against him. The fellows were all detained and the Mail left. What I want to represent to you is this—if the T. T. E. found any passenger travelling without ticket, he is quite at liberty to hand him over to the Station Master or to the Railway Police. If any passenger declines or is unable to pay the railway charges, whatever it might be, what I want to enquire of you is, if right and left kicking like cats and dogs is permissible in the Railway bye-laws or is it within the jurisdiction of a T. T. E.'s duty? Would you kindly enquire into the matter and let me know before I start for the Legislative Assembly by the first week of February?

Now, I am going to refer to you my complaints regarding the switching off of the electric lights at the Kulaura station in the train for Sylhet Bazar, No. 117 Up, which I made, *vide* my letter No. A. 88, dated the 29th September, 1931, from Rajbati, Sylhet, as they were doing, of which I wrote you in my letter No. A. 88, hence there is no redress of this part of my grievance. At Sylhet Bazar I was asleep, the same lighting department man who used abusive language and for which I wrote to you in my letter No. A. 88, again appeared on the scene. He asked my clerk to vacate the room at such an early part of the morning. So, I see no improvement in this direction too. Here ends the story of my journey to Sylhet.

Perhaps you are aware that those who intend to travel by the 118 Down from Sylhet Bazar to Badarpur side are to practically pass sleepless nights because the No. 118 Down leaves Sylhet Bazar at 20.8 minutes, she is due to arrive at Kulaura Junction at 22 hours 39 minutes and the passengers are destined to wait at Kulaura till 2.4 on the next morning to catch the 9 Up, i.e., the first available train for journey towards Karimganj and Badarpur. The 9 Up arrives at Karimganj at 4.38 a.m., hence there is no time for a passenger to sleep in the train. I had to travel by the same train from Sylhet Bazar and left Kulaura by the Surma Mail for Karimganj. Though there is about five hours' interval between the arrival of the Sylhet train and the arrival of the Up Mail train at Kulaura Junction, and though there are quite good First and Second Class Waiting Rooms at the Kulaura Junction, still I had to experience serious inconveniences at Kulaura. I was asleep in the Sylhet train. Hearing the whistle of the 9 Up, I got startled from my sleep and enquired if that was the Mail. On a hurry I got down from the train which was standing in the platform in the extreme darkness, because there was no light, either on the platform or in the First and Second Class carriages. I enquired of the Station Master on duty, but I could not find him in the room. I found one officer just near the Station Master's room who was busy with his files. I asked him what was the train which just left Kulaura in the Up direction. He replied that that was the 9 Up. I enquired of him when I could find the Station Master and also asked him why the Waiting Room was in darkness. The officer replied that the Station Master was somewhere at the station. After a good deal of search, I discovered the Station Master asleep in the First Class Ladies' Waiting Room. (Laughter.) I asked him why the First and Second Class Gentlemen's Waiting Rooms were in darkness. He replied: "I am supplying the lights" and hastened to the First Class Gentlemen's Waiting Room. As soon as the Station Master put on the lights of the Waiting Room, I found all the seats in the Waiting Room

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were occupied by the passengers. I asked the Station Master whether they had all First and Second Class tickets. On my enquiry into this matter, I found miraculously the Waiting Room was totally vacated. Now, you may guess what class ticket holder passengers they were. However, in taking all these troubles, about an hour passed and the Mail Train was due within the next three quarters of an hour, hence, I had to abandon the intention of sleeping again and had to entrain myself with my children for Karimganj. As a result of passing a sleepless night and for all these worries I had to undergo in my journey from Sylhet to Karimganj, I got an attack of fever the next day noon and the temperature rose up to 105 degrees. I hope you will be able to imagine from this, how much this journey has told upon my health. For the convenience of the upper class passengers who intend to travel from Sylhet Bazar by night train towards Karimganj or Badarpur, can you not very kindly arrange to place a carriage at the disposal of the Sylhet Bazar Station Master if there be any First and Second Class passenger by the 118 Down, who will attach the carriage with the train and that carriage will be attached with the 9 Up at Kulaura for Badarpur? If you kindly make this arrangement, I hope a lot of inconveniences of the upper class passengers, who travel by the night train from Sylhet Bazar, might be removed. Will you be so good as to give the matter your kind consideration?"

This letter was acknowledged by the D.T.S. by his letter No. D.O.D.-14, dated the 29th January 1932.. . .

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member must now conclude.

Mr. J. Hezlett: Sir, my Honourable friend, who has just sat down, invited me to make a speech on this occasion, and, as I think I am the only Member in the House who knows the places about which he has been talking, I am in a better position to speak about them than most other Honourable Members. I am sorry, my Honourable friend, the Deputy President, Mr. Abdul Matin Chaudhury, is absent, as he knows all about the places about which the Honourable Member was speaking. My Honourable friend, by his speeches, makes this House laugh, and that is a very great asset and has much relieved the otherwise dull moments while we have been debating the Reserve Bank Bill, the Imperial Bank Bill and other rather dry subjects, and I am sure we are all very grateful to my Honourable friend for giving us the opportunity to laugh.

The general remark I want to make about all these grievances, which my Honourable friend has put forward, is that these are all purely local matters, and that there is a Local Advisory Railway Committee which is the only body which can properly deal with them. Very few Members have heard of these places, and I believe my Honourable friend, Mr. Rau, whose knowledge of railway matters must be colossal, judging from the information which he supplies daily to Honourable Members of this House, has never heard of such places as Faquagram. In regard to all these other matters, I daresay my Honourable friend has some grievance. I quite agree that in regard to one matter, an approach road to his station, he has a real grievance, but he might approach the Karimgunge Local Board in whose jurisdiction he lives and the Local Board might be able to do something for him. As I said before, it would be better for him to bring these grievances before the Local Advisory Committee. The local member of the Advisory Committee comes from his sub-division and is the Chairman of the Local Board and is thus in a position to judge what feeder roads are necessary. Then he wants the station removed half a mile further to the south. That is also a matter which can be placed before the Local Advisory Committee. Then he complained about the slowness of trains on the Assam Bengal Railway. As a matter of fact, the only passenger trains

running are the mail trains. All the ordinary trains are mixed goods and passenger trains and are, of course, very slow. All this is due to the present slump in railway matters and also to want of money. It is hoped that when the financial position is improved, the normal passenger service will be restored. I hold no brief for the Assam Bengal Railway, but, having used it for the last 35 years, I know a little about it. I think that my Honourable friend's grievances can be remedied if he approaches the proper authority through the Local Advisory Committee. I have read through the proceedings of this Committee for the last two years, and I find that the grievances mentioned by my Honourable friend have not been brought before that Committee. It is, therefore, his obvious duty first of all to bring his grievances before the Local Advisory Committee, and if he does not get redress from them, then he can bring his grievances before the Railway Board and eventually before this House. Therefore, I suggest to him that he might withdraw his Resolution, if the Honourable the Railway Member sends a copy of his speech to the Agent, Assam Bengal Railway, with the suggestion that, as all these are purely local matters, they might be considered and dealt with at the next meeting of the Local Advisory Committee.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, I am sorry that I missed the great opportunity of listening to the speech of the Honourable the Mover of the Resolution, but in this case I have a few facts which I wish to add to the contribution which he has already made. I can assure the House that there are some grievances which ought to be ventilated on the floor of this House. I am one of those passengers who travel by the Assam Bengal Railway and my Honourable friend, Mr. P. R. Rau, is aware of the fact that I have had to bring this matter to the notice of the Railway Finance Committee on many occasions. I have taken a strong objection for not reducing the fare of the bridge situated on the river Brahmaputra which stands in between Mymensingh and Shambhugunj stations. Only for that particular bridge a fare for 10 miles is charged. If the cost of that bridge had not been realised from the public, I could have understood the imposition of that charge, but the cost was realised from the public a long time ago, and still the passengers are required to pay the fare for 10 miles. I have done my best to bring this matter to the notice of the authorities concerned, but without any satisfactory result. They may say that nothing can be done now because of the financial depression. But I do not ask them to reduce the fare. What I wish to suggest is that, instead of concentrating their whole attention to this particular bridge, why not distribute the fare over the whole line. The public in general in that case will not suffer much and at the same time it will afford some convenience to those who have to travel often by this line.

Then, Sir, another thing which I wish to mention here is that on the Assam Bengal Railway there is no system of return tickets.

An Honourable Member: There is no system of return tickets also in the case of the G. I. P. Railway and the B., B. and C. I. Railway.

Mr. D. K. Lahiri Chaudhury: There are a number of Railways which have got the system of return tickets. This system is especially required in Assam where people often return to their homes the same day. There are very big tea gardens and people have to go there for their business and return the same day to their respective places. So, in the case of the Assam Bengal Railway, return tickets are absolutely necessary. That may

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not be the case with the G. I. P. Railway or the B., B. and C. I. Railway. Besides it is not a good logic to say that because return tickets are not available on the G. I. P. and the B., B. and C. I. Railways, therefore they should not be available on the Assam Bengal Railway also. In my opinion there ought to be the system of return tickets on all the railways. The Assam Bengal Railway is a very important Railway, because it is the costliest Railway that has ever been built in India because of the hill section.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Is it costlier than the Sind-Pishin Railway?

Mr. D. K. Lahiri Chaudhury: The Sind-Pishin Railway may be a very costly Railway, but, so far as my knowledge goes, the Assam Bengal Railway is much more costlier than the E. I. Railway, E. B. Railway, G. I. P. or N. W. Railway. It has got 55 tunnels and they were built at a very heavy cost. On that Railway, the fares are also higher as compared to other Railways. Sir, Railways are run for the benefit of the public and, therefore, it stands to reason that the travelling public should enjoy the same facilities that are enjoyed by them on other lines. I am glad my friend had the opportunity of moving this Resolution in this House and I am sorry that I missed his humorous and amusing speech as was mentioned by Mr. Hezlett. But let me tell Mr. Hezlett that his speech is not "amusing" to the public at all, because those who travel by that Railway have to undergo a great deal of inconvenience. Therefore, for the benefit of the public, I take this opportunity to invite the attention of the Honourable Member in charge of Railways to do something to redress the grievances which I have just now mentioned; some facilities should also be given to the passengers for getting return tickets. With these words, I support the Resolution.

Mr. Amar Nath Dutt: Sir, I shall be failing in my duty if I do not accord a hearty support to the Resolution that has been so ably moved by my friend from Assam. The only other Member who could have vied with him in the close reasoning and the eloquent appeal that we have heard just now is Mr. Kabeer-ud-Din Ahmed, a Member from Bengal.

An Honourable Member: You are also next to Mr. Kabeer-ud-Din Ahmed.

Mr. Amar Nath Dutt: I thank you for giving me the compliment of being next to Mr. Kabeer-ud-Din Ahmed. Really, I shall be very glad if I can approach that eminent representative of Bengal. Sir, the reply that was given by my friend, Mr. Hezlett, who comes from Assam, was that the only remedy which was open to the Mover was to go to the Local Advisory Committee. I have something to say about this. My idea is that the Members of the Assembly should also be members of the Local Advisory Committees. A suggestion of this nature has been more than once pressed in the Standing Finance Committee for Railways, but there has been some difficulty in getting these gentlemen on the Local Advisory Committee. Many of these resolutions will not be necessary to be moved in this House if the representatives of various provinces in this House were also made members of the Local Advisory Committees of Railways of their Provinces. But as this is not the case, I think my friend had no other alternative but to move his Resolution. If the Government or the railway authorities wish

that such matters should not come here, but be disposed of by the Local Advisory Committees, then I think the presence of the Members of this House in those Committees will be found to be very helpful. So, I submit that the reply does not touch the fringe of the problem which my friend in his able and lucid speech has brought out. There are no doubt, grievances in the case of every Railway and these have got to be remedied. But it is not possible for the railway authorities to know what are the actual grievances of the travelling public or, for the matter of that, of the public at large. That being so, it is necessary that these things should be brought to their notice and when they are brought to their notice, I am sure they will be redressed. With that object in view, I beg to appeal once more that Government should see whether it is not possible that the Members of this Assembly should be represented on the Local Advisory Committees of various Railways in their respective provinces. With these words, I support the Resolution which has been so ably moved.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to fulfil the promise which I made to my friend, Mr. Gopika Romon Roy, and that is that I would support his Resolution. After hearing the speech of the Government Whip, who is also the official representative from Assam, I am convinced that Mr. Gopika Romon Roy has a very strong case, for the Whip of the Government of India told us that he had gone through the literature on the subject, namely, the proceedings of the Local Advisory Committee and he found that the Local Advisory Committee had not thought fit during two long years to go into the problems that Mr. Gopika Romon Roy placed before us. Sir, the Advisory Committee have failed in their duty and I am glad that Mr. Roy has flogged them and I hope he has flogged them into action.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I must first express my satisfaction that the chance of the ballot has enabled my Honourable friend to move his motion. I have known that for many long months he has borne the burden of his many grievances, but not until I heard his full exposition of them did I realise what their extent really was. He has told us in most harrowing terms of the difficulties experienced in crossing Railway bridges where amenities are not provided for foot-passengers. He has told us of his difficulties in hoisting his person from the low level platforms on to trains which tower above him. He has told us also of the terrible danger arising owing to the siding of certain stations on the Assam-Bengal Railway, from what he described as the King of the jungle who I understood him to say often waited for him in the hope of obtaining a succulent meal. Well, Sir, I am sure we must all sympathise with my Honourable friend and I am sure that we must be relieved to find that these grave troubles and difficulties have not left a trace upon his person to show his mental or physical agony. (Laughter.)

I have gone very carefully into the speech which he delivered in Simla and I think it may be analysed into two or three main complaints. The first, I think, was in regard to low level platforms. There, Sir, I fully sympathise with him. I myself have suffered from this inconvenience. I have often found it very difficult, but by an expenditure of a certain amount of physical energy, I have been able to transfer myself from these low level platforms into the train. My Honourable friend might find it a little more difficult to do so than I (Laughter), and I have no doubt that he would be materially helped by having some mechanical assistance.

[Sir Joseph Bhore.]

Nevertheless, as I said, I entirely sympathise with him, but my difficulty really is to find a remedy. Now, the raising of these low level platforms is a very expensive matter and Honourable Members in this House who have travelled abroad will, I think, realise that the same difficulty occurs in other countries. In fact, to the best of my recollection, I think that even the main stations in Paris, the Lyons and the Nord, have such low platforms that getting into trains is something of an acrobatic feat. I can assure my Honourable friend that I do realise the difficulties which he has brought to light. But, as I pointed out, this is a matter of money, and the Assam Bengal Railway is a Company which is none too well off. I am sure that when its finances improve, it will certainly be prepared to do all it can to increase amenities and conveniences for its passengers.

Then, Sir, let me refer to the second point which he made, namely, crossing Railway bridges. He suggested that these should be planked over to enable the foot passengers to pass over with facility. May I point out that crossing Railway bridges or walking along them is an extremely dangerous practice and unless we have proper arrangements, as for instance, watchmen or unless a foot-way is made so that it will not interfere with the track, it may prove a source of the greatest danger to foot passengers. It is for that reason that this practice is severely discouraged. Then, Sir, my Honourable friend referred to another matter, namely, the alleged silting up of the Chargola and Longai valleys. May I point out that the Assam Flood Enquiry Committee appointed in 1929 submitted a very comprehensive report as a result of their labours and, from a perusal of that report, it will be seen that although the Longai River bridge was mentioned, it was not stated that the bridge was interfering in any way with the flow of water down the river. The Chargola river bridge was not mentioned in that report by name and the Committee recommended that additional water-ways should be provided at three places in other parts of the Surma Valley and the necessary action has been taken by the Assam Bengal Railway. However, Sir, if my Honourable friend can place before me definite evidence to show that the silting up of these valleys is definitely due to the bridges in question, we shall certainly look into the matter.

I do not know whether there are any further matters into which I can go. My Honourable friend, Mr. Amar Nath Dutt, suggested that Members of the Central Legislature should become members of the Local Advisory Committee. I am afraid that that will make the Local Advisory Committees so hopelessly unwieldy that very little work would be done. We have, as a matter of fact, a very representative Central Advisory Committee and I am quite sure that the Central Advisory Committee will never be backward in bringing to notice the general difficulties and inconveniences which the travelling public are suffering from. I would like to assure my Honourable friend and also the House that the Railway Department is always anxious to do what it possibly can to relieve the inconveniences of the travelling public. It realises that it has to give service to the public and, unless that service is good and efficient, its failure will recoil upon itself. I would suggest to my Honourable friend that he take the advice given him by Mr. Hezlett. If he does, I am quite prepared to forward the debate to the Agent of the Assam Bengal Railway and we shall see, as a result of any report that may be received from him, what can be done. May I appeal to my Honourable friend, in view of that assurance, to withdraw his Resolution?

Kumar Gopika Romon Roy: Sir, I wish to say only a few words by way of reply. My Honourable friend, Mr. Hezlett, said "please refer to the Local Advisory Committee". Sir, perhaps the House well remembers that in 1930 I referred to these grievances on the floor of the Assam Legislative Council. The Honourable Member in charge gave the reply that as Railway was a Central subject, he could do nothing in the matter. If we go to these Advisory Boards, they say that they want to push on with these matters, but they have no funds. I know there is a Local Advisory Committee, but what I want to point out is, is it our duty to point out that the station is located at a place where there is no road and we are to go jumping over the railway bridge? Is it our duty alone and is it not part of the duty of the local administration to see these things? My Honourable friend, Mr. Hezlett, was the Commissioner of the Division and he could have persuaded and ordered the Chairman of the Local Board to take certain action, but he never did it. Here is a photo which shows that there is no option but to travel by the railway side. At the time of Sir George Rainy I pleaded for a fencing and here is the translation of a cutting from the Bengali paper *Janasakti*, which shows how a man was cut down when he was walking on the line:

"On Friday last, while a man was going by the rail line—midway between the Kayarhagram and the Baraigram stations—on the Karimganj Longai Valley Railway—the 271 Up train knocked him down and broke his skull. He has also received serious wounds in his legs and chest. He was removed to the Nilambazar hospital by the next Down train. His condition is precarious."

What have Government to say to that? We have drawn their attention and what are we to do? I myself went to Chittagong and saw the Agent of the Railway and the D. T. S., and I wrote everything to the D. T. S. from time to time. What is the remedy now left to me but to represent my grievances on the floor of this House where I hope there will be somebody to sympathise with us? I do not mean any disrespect to the late Railway Member, but he also gave us assurances that our grievances would be looked into. Probably you, Sir, will remember it as you were one of us at that time. But we find that they have not removed a single straw since that date. In the meantime our grievances are gradually increasing and, if we go there, they will say that they are looking into the matter. It is all a matter of "ing"; looking, considering, coming, going, referring,—all leading in the end to nothing. (Laughter.) What is the remedy left to us? Sir, it is unfortunate that while in Simla I moved this Resolution, my Honourable friend, Mr. Abdul Matin Chaudhury, was absent and today also he is not present. The other Assam Member, Mr. Phookun, is also not here. So I am the only man here to plead for Assam and I hope the House will sympathise with this poor Assam Member. We seldom get a chance of ventilating our grievances and I have got a chance of moving this Resolution after trying for three years. If the Honourable Member really entertains any kind feelings towards us and promises to do something for us, then I do not want a newspaper publicity by getting this Resolution passed, nor I am eager for cheap notoriety. But I want real work for my constituency, and if he assures me that he will really do what lies in his power, then I will surely withdraw my Resolution. About the Fakhohagram station I have shown from an illustration that it is a hut only and Rs. 100 would have been quite enough to remove this station which has no siding or anything. But, even as regards this, my Honourable friend, Mr. Hezlett, says that owing to financial stringency they could not do it, although they could instal electric machinery at Badarpur, a

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luxury which is enjoyed by none but the railway officers, and they have got electric fans which are run only for the Station Master and other officers at night alone, but not for the public in the summer days. If money can be found for these luxuries, why not for this? And I can prove today even regarding the saloons that in every train there are one or two of these. If that can be afforded, why cannot this be done? I have already stated that a man was disabled by falling from the bridge. If this does not melt the heart of the Member in charge, I do not know what we are to do and where we are to go. We hope this is a civilised country and if things like this can go on in a civilised country, I do not know what we are to do. Here is a vernacular paper called *Santi* which is subscribed even by Government officials in Sylhet. This says that in the Mughalbazar railway station there is no waiting room for ladies although this is an important station, and they have to wait for hours and hours in sun and rain under the trees. These are grievances which have got to be removed. Sir, I could not finish my speech today, but I will take another chance by a cut motion. At least I will do my duty. Even if the House does not support me, my own conscience will be clear. I want to go to my constituency with a clear conscience that I have done my duty to them and let the House do what it likes. Sir, with this appeal I want a definite answer from the Honourable Member in charge that he will remove our grievances.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly recommends to the Governor General in Council that immediate and adequate steps be taken by the Railway Board to redress the various grievances of the general travelling public and particularly of the public travelling by the Assam Bengal Railway."

The motion was adopted.

RESOLUTION *RE* PROTECTION OF WORKERS AGAINST UNEMPLOYMENT AND REDUCTION OF WAGES.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council to take immediate steps to protect the workers in the country against increasing unemployment and reduction of wages."

This Assembly discussed the question of unemployment in the year 1926, when a Resolution was passed recommending the appointment of a Committee to consider the question of unemployment in general and the question of middle class unemployment in particular. So far as I know, very little has resulted in action from that Resolution except that certain investigations were made by a few Provincial Governments.

The Resolution which I am moving today is much wider in terms and I have made it so deliberately. I feel that unemployment among various sections of the population is interdependent: unemployment amongst agricultural workers is bound to affect the employment of industrial workers and *vice versa*; unemployment amongst industrial and agricultural workers is also bound to affect employment of the middle classes. Moreover I have included in the terms of my Resolution the question of wages as unemployment is generally followed by a reduction of wages. There is a difficulty in dealing with this question on account of the want of statistics as regards

employment and unemployment and the various factors which are involved in this question. Various schemes for the collection of statistics have been thought out; a Committee was appointed under the chairmanship of Sir M. Viswesvarayya: some plans were recommended by Sir Arthur Salter for the establishment of an Economic Council and now we see that two economists from England have come to make certain recommendations—I suppose on the subject of collecting statistics and allied subjects. Nothing has come out of the various schemes which Government have so far thought out: I hope something will come out of their recent efforts. In spite of want of statistics, it is quite possible to prove not only the existence of unemployment, but the degree of unemployment. There are certain indications from which we can infer the prevalence of unemployment. There is unemployment, for instance, in the whole world at present, including the most prosperous countries. If there is unemployment in those countries, we can reasonably infer that there must be some unemployment in our own. Prices are low all over the world and they are low in our own country; and low prices is one of the indications by which the existence of unemployment can be inferred. The production in the whole world has gone down; unfortunately we do not have a census of production in our country: it is true that in some of the organised industries production has gone up, such as in cotton textiles; but in certain others production has gone down, such as in mines. Figures of export trade will clearly prove that on the whole our production must have gone down: the export trade has dwindled during the last three years from 330 crores to 131 crores. I need not give any more indications of the existence of unemployment in our country. I shall try to estimate the degree of unemployment. So far as agriculture is concerned, it is a well known fact that in our country agricultural workers do not get more than four to six months' employment in a year, and this unemployment is increasing year after year. I shall give certain figures from the latest census reports. In 1911, the ratio of the number of workers to dependents was 47 to 53. In 1921, the ratio was 46 and 54, and, in 1931, the ratio is 44 to 56: that is, the number of dependents is increasing which clearly shows that unemployment in agriculture is also increasing. At present agriculture is not paying, with the result that the number of agricultural wage earners employed is bound to go down. The agriculturist cannot afford to engage wage earners. The agriculturist either works himself and takes the help of members of his family or, if he was doing already some work before he does more work, but he tries to do without the services of wage earners. If we take industry, there again there is the difficulty of want of statistics for non-regulated industries. We have statistics for regulated industries. During the last few years, the number of people engaged in factories regulated by the Factories Act has gone down by 143,000. The number of people employed in Indian mines has gone down by 65,000; the number of railway staff has gone down by 87,000. The Royal Commission on Labour definitely recognised unemployment existing in the shipping industry in various ports: they also recognised that in certain ports, the dock workers were also unemployed and they estimated that in Karachi the dock worker does not get more than 10 to 12 days work in a month; they also estimated that in Rangoon, on an average for the year, the dock worker does not get more than 12 to 13 days work in a month. This unemployment is felt more at certain centres, such as Bombay. In Bombay today more than 40,000 textile workers alone are unemployed. Besides the textile workers, there are others unemployed in Bombay. If you take Calcutta, the number of unemployed will not be smaller. Besides unemployment, the workers suffer from short time work

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as some mills do not work full time for the whole week. Now, I feel that the existence of large and growing unemployment will not be challenged even by the Government. So far as the second question which I am raising is concerned, namely, the reduction of wages, I feel the same difficulty for want of statistics, but we can have some statistics collected in various places. Moreover, we can infer the reduction of wages from the very fact of unemployment. Unemployment generally leads to reduction of wages, and it has led to reduction of wages. I shall give only a few figures on this subject. These figures are collected by the Bombay Labour Office and they are given in the *Bombay Labour Gazette*. The urban field labourer in Bombay was getting Rs. 0-9-6 per day in 1927, whereas today he is getting Rs. 0-6-10. The wages of the rural field labourer have gone down from Rs. 0-7-6 in 1927 to Rs. 0-5-7 in 1932. The wages of urban skilled labourer have gone down from Rs. 0-12-0 in 1927 to Rs. 0-9-5 in 1932. The wages of a rural skilled labourer have gone down from Rs. 0-9-3 in 1927 to Rs. 0-7-1 in 1932. The wages of an urban skilled labourer have gone down from Rs. 1-13-0 in 1927 to Rs. 1-8-3 in 1932. I am told that at present in some of the seasonal factories in Bombay labourers are hired from Rs. 0-2-0 to Rs. 0-3-0 per day.

Now, Sir, I shall give only a few figures more, and these figures relate to the mining areas, and they are taken from the Report of the
I P.M. Chief Inspector of Mines. The miners' wages have gone down from Rs. 0-13-6 in 1929 to Rs. 0-9-9 in 1932. The wages of loaders have gone down from Rs. 0-11-0 in 1929 to Rs. 0-8-6 in 1932. The wages of women have gone down from Rs. 0-8-6 in 1929 to Rs. 0-6-6 in 1932. In the mining areas, the average wage for raising one tub of coal was about Rs. 0-7-0 when the Royal Commission made their investigation. That wage itself was very low, and I am told that at present in the Argada colliery the rate paid for raising one tub of coal is only Rs. 0-2-3

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): Did you say one tub?

Mr. N. M. Joshi: Yes, one tub.

Mr. S. C. Sen: Then you are mistaken, because I have to pay Rs. 0-6-0.

Mr. N. M. Joshi: You are not paying Rs. 0-6-0. I have got information from one of my sources.

Mr. S. C. Sen: What colliery is that?

Mr. N. M. Joshi: Argada colliery.

Besides this, Sir, in the railways the wages have been cut down. In Bombay, in the textile industry, the wages have gone down from 25 per cent to 30 per cent, and let us remember that this is a protected industry. In Calcutta, a similar reduction has taken place in wages. In Ahmedabad, where the mills have made huge profits till last year, they are threatening a wage cut. Mr President, this is the position as regards unemployment and wages in our country at present. I do not wish to discuss the causes of unemployment in this country. I feel that the chief cause of unemployment is the capitalist system based upon competition. Periodical

unemployment is an inevitable concomitant of the capitalist system, but I do not wish to raise that big question today. It will be agreed by all that unemployment is due to world depression, whatever may be the causes of that depression. The second cause of unemployment is due to the measures taken by the employers for what they call rationalisation. I am not altogether against rationalisation if measures are taken to protect the workers, as was suggested by a Conference held under the auspices of the League of Nations. It has been said that in India the effects of unemployment are not very much felt on account of two reasons. It is said that the workers in towns, who are engaged in industries, go to villages when there is unemployment in towns, and workers in villages go to towns when there is unemployment in villages. Unfortunately we are now living in times when there is unemployment both in villages as well as in towns, and, therefore, this escape, if it really exists, is not open to workers. It is also said that in India the effect of unemployment is not felt, because we have a joint family system. Thank God, we still have a joint family system, but, Sir, that joint family system is fast crumbling down owing to the impact of modern civilization and nobody need shed any tears for the crumbling down of that system. If there is unemployment, as I say there is, and if the workers are also suffering from a reduction of wages, let us consider what steps we should take to free the workers from the misery which they are suffering at present. In considering the proposals, I shall not raise the question of the capitalist system and its abolition, but certainly we must consider the various plans some of the countries in the world have adopted for getting rid of the depression. There is, for instance, the Soviet plan, there is the plan made by Mussolini to increase employment, there is the plan made by Hitler, and there is also the most important plan made by Roosevelt. I don't wish to go into the details of these plans, but two things become quite clear if we study these plans. The first thing is that we cannot get rid of the depression by merely depending upon the automatic adjustment of the various factors in the world. The time is past when we can have what is called self-adjustment. Sir Arthur Salter has very wisely said that the world's economic mechanism has lost its self-adjusting quality. We must, therefore, now deliberately adopt plans to get rid of the crisis from which we are suffering. His Excellency the Viceroy, in the speech which he made in this Assembly last year, recognised this principle. He also repeated his recognition of the principle in his recent speech in Calcutta. The second principle that comes out of the study of these plans is that all plans must be co-ordinated by an international effort. This principle was also recognised when His Excellency dealt with the Roosevelt plan in his recent speech in Calcutta. Now, Sir, without going into these principles, I would like to make certain definite suggestions to the Government in order that the misery from which the workers are suffering both from unemployment and from the reduction of wages may be reduced. My first suggestion is a constitutional one. We are living in a time when our constitution is undergoing a revision. I would suggest to the Government of India that in the new Constitution they should lay down the fundamental right that the workers shall have a right to live, and in this connection I shall quote only a few lines from a very valuable Report issued by the Director of International Labour Organization. That Report was published in 1933:

"In fact, it may be said that the right to work or maintenance, which has been claimed by the workers for many years past, is now more generally recognised than at any previous time. As the author of the World Economic Survey points out:"

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'Then there is a quotation from the World Economic Survey :

"The 'right to live', if not the 'right to work', has been much more firmly established. . . . The widespread acceptance of the notion of 'standards of living', and the associated conception of a 'minimum standard', which society should in some way guarantee to every normal individual, is one of the most remarkable social developments of recent years. The contractual idea which it embodies is of profound importance and marks a distinct departure from theories of individual enterprise and free competition. It establishes, in economic organisation, a new social right comparable in many ways with property rights."

During the last Session of the Assembly, the Assembly decided that there should be a fundamental right for the protection of property. May I ask the Assembly now to guarantee to the workers this right to live? Then I shall suggest to the Government of India that in order that they should be able to deal with questions like unemployment and wages and the bigger industrial questions, they should immediately give effect to the suggestion of Sir Arthur Salter for the establishment of an Economic Council. I shall also suggest to them that they should give immediate effect to the recommendation made by the Royal Commission on Labour for the establishment of an Industrial Council. Unless these organisations are established, it will not be easy for the Government of India to deal with large questions which are coming up for solution.

When we discuss the question of improving the economic condition, two proposals are generally made. The first is that we should inflate our currency, and the second that we should raise tariff barriers. In my former speeches in this Assembly I have made it quite clear that by the inflation of currency and the raising of tariff barriers the workers are placed on the horns of a dilemma. They are benefited in one way, but they suffer in another way. But we are living in desperate times, and if nothing else is done, in sheer desperation I would prefer this inflation of currency and the raising of tariff barriers to inaction. At the same time I would suggest to the Government of India that they should favourably consider what the economists call reflation instead of inflation. The report which I have just mentioned—Mr. Butler's report—explains reflation in this way :

"Hence the doctrine of reflation; that is to say, of adopting concerted measures to restore the vast sums of money now lying idle to circulation in order to raise prices, is now gaining ground."

I, therefore, suggest to the Government of India that, instead of thinking of inflation, they should take steps to effect reflation, that is, greater circulation of the money now lying idle in the various banks in this country. In order to do that, the Government of India should take steps to create employment and to see that adequate wages are given to the workers. That is the only way to create what I call reflation.

Now, the Government of India can create employment in various ways. The Government of India should follow an active policy to establish State-owned and State-managed railways. At one time they followed that policy and built our railway system. I suggest to them and I suggest to the Railway Board that they should give up their timid and hesitating policy and adopt a bold and forward policy of new construction of railways

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member can resume his speech after Lunch. The House stands adjourned till 2-30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. M. Joshi: When we adjourned for Lunch, I was suggesting to the Government of India that they should follow an active policy as regards creating employment and I suggested that they should undertake the construction of railways and I suggest now that, besides constructing railways, they should try to develop all the railway industries. They should build their locomotives, their carriages, their wagons and make their sleepers. I also suggest to the Government of India that they should take steps to develop mercantile marine in India. India is not going to have mercantile marine through private capitalists. If ever we are going to have more mercantile marine, it will be through the efforts of the Government. I also suggest to the Government of India that they should undertake public works, such as roads, bridges and even buildings, canals and drainage works and the clearing of slums. Several countries at present are following this policy. The United States of America, Germany and Italy are spending huge sums of money in undertaking public works. The Government of India starts public works during famine times. The times in which we are living are very similar to famine times. The Whitley Commission has recommended that during times of unemployment Government should start public works even in towns. I suggest to the Government of India that they should take immediate steps to give effect to this recommendation of the Royal Commission on Labour. Then I would suggest to the Government of India that they should also undertake some scheme for unemployment insurance. I am quite aware that, when the Whitley Commission considered this question, they could not make a recommendation for the immediate establishment of unemployment insurance scheme, but much water has flown since the Whitley Commission wrote its report. There was a time when the United States of America was against unemployment insurance schemes. They have changed their views and I am quite sure that, if the Whitley Commission had been meeting today, they would make a different report. As regards the unemployment insurance, the Fawcett Committee that inquired into a dispute in Bombay had made a recommendation that whenever unemployment will be created on account of the employers taking up rationalisation schemes, some steps should be taken to protect the workers against the unemployment that is created. I would also suggest to the Government of India that they should follow what the world is doing today to prevent unemployment, namely, reduce the hours of work. I am aware that the Government of India have placed legislation before this Legislature for reducing the hours of work. I wish to suggest to them that they should come into line with the world by reducing the hours much more than they are prepared to do. I also suggest to the Government of India that as regards the unemployment in docks they should

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give immediate effect to the recommendation made by the Royal Commission on Labour by starting a system of registration and thus decasualizing the employment of dock workers.

I shall now turn to the question of wages. I think I made it quite clear that if the purchasing power of the country was to be restored, there must be better circulation of money and, in order to do that, we must give not only employment to the workers, but we must give them adequate wages. Unfortunately we are now faced with reduction of wages in almost all the industries. The justification given for the reduction of wages is that prices have gone down, and, therefore, the real wages have not gone down. It is true that prices have gone down. I do not deny that fact and in some cases the real wages also may not show any reduction. In some cases it may show even an increase, but I would ask the Members of the Assembly and the Government to consider this question. The standard of life of the working classes of this country is extremely low. What we want is that that standard should be immediately raised and, if that standard as raised, that is one of the means by which the prosperity will be brought to the country. Therefore, every step must be taken to see that the standard of life of the working classes is raised. If you reduce the wages, the standard of life cannot be raised. You may remember that, a few days ago, my friend, Mr. Mody, made a speech and he said what right have the consumers to expect to get things below the cost of production. May I ask, what right the employer has got to get labour for wages that are below reasonable standard of life? They have no right to get labour for wages which do not provide a reasonable standard of life to the working classes.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): What is that reasonable standard? Will you tell us?

Mr. N. M. Joshi: I have not the time to go into that. I will only content myself by saying that they should get a reasonable standard of life. It is quite true that when the prices go down, the individual workers get more for the wages they get. At the same time, let us remember that the total wage bill of the industry is not increased, but it is reduced on account of the number of people employed being reduced. Who bears the burden of the unemployment. The real wages may not have been reduced, but the responsibilities of the people who are employed have increased, because it is they who somehow have to bear the burden of the unemployment.

The Honourable Sir Frank Noyce (Member for Industries and Labour): May I ask the Honourable Member how they discharge their responsibility?

Mr. N. M. Joshi: They discharge their responsibility as best as they could and they discharge their responsibility much better than some of us do.

The Honourable Sir Frank Noyce: That is not an answer to my question. I put a definite question to the Honourable Member and I should be grateful for a definite answer.

Mr. N. M. Joshi: My definite answer is that the unemployed in India today are maintained by the employed workers in this country and by nobody else. Government are doing nothing for them. That is my answer. I hope my answer is satisfactory.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Quite unsatisfactory.

Mr. N. M. Joshi: I would also suggest to the Government of India to consider this, that wage reduction does not even help industry. Wage reduction will not help in getting rid of the depression existing in the country today. If we study this question, we shall find that in America, where the wage reduction was the largest, the depression was the greatest, and in Great Britain, where the wage-reduction was the lowest, the depression is the least. Let us, therefore, remember that wage-reduction is not going to help industry. I would, therefore, suggest to the Government of India to take very vigorous steps to see that the wages in India are not only not reduced, but are increased, and, for that purpose, I would suggest that they should follow the policy which Roosevelt is following in America. He insists upon an increase of wages, and the Government of India should take power to see that wages are increased in this country and not reduced. I would also suggest to them to lay down a minimum wage for all industries. Sir, the theory that minimum wage legislation can apply only to unorganized industries is an exploded theory; it no longer holds good today. I, therefore, suggest to them to establish minimum wages in all industries. Mr. President, I would also suggest to the Government of India to see at least that an inquiry is made before any wage-reduction takes place in any industry. This at least is not too much to ask. I would also suggest to them that they should give special attention to the case of protected industries. If an industry receives protection from Government, that industry is bound to give that protection to the workers engaged in that industry. (Hear, hear.) I would also suggest to the Government of India that they should change the Indian Companies Act and put a limit to the dividends that are distributed to the shareholders and compel the companies, that run factories and industries in this country, to establish a wage equalisation fund. Sir, many of the companies have established what are called dividend equalisation funds. Now, if they have such a fund, why should they not be compelled to establish a wage equalisation fund? Mr. President, I have one more suggestion to offer on this point and that is that the Government of India should take steps to give effect to the recommendation of the Royal Commission on Labour in insisting upon a fair wages clause being put on all public contracts.

Sir, I do not wish to take up much time of this House; but, before I close, I shall say only one word and it is this. The misery which the working classes in this country are suffering from, due to unemployment and to reduction in wages, is great. We cannot imagine nor am I able to describe that misery in an adequate manner; but let us remember this that the working classes are suffering in many ways—not only financially, but in other ways. Sir, if a man remains unemployed, he loses his skill, he loses his working capacity, he is demoralized. That is a greater loss to him and also to the country than even the financial loss caused to the worker himself. I would, therefore, suggest that the Government of India should take vigorous steps to see that there is no unemployment in this country and to see that the workers are paid adequate

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wages and I suggest that they should take steps very promptly. A policy of dilatoriness and hesitation is fatal. They should give up that policy so that, not only will the workers benefit, but, I am sure, the industries and the whole country will benefit. I have done. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council to take immediate steps to protect the workers in the country against increasing unemployment and reduction of wages."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, being a worker myself and a toiler for my daily bread, I wish to make a few observations on this Resolution. Sir, I congratulate my Honourable friend, Mr. Joshi, on his bringing forward this Resolution which is rather a topical matter in the present world economic crisis that is affecting India along with every other part of the world. As regards my Honourable friend, Mr. Joshi's observations, although his Resolution is very comprehensive and embraces all classes of workers, yet towards the end of his speech he seemed to become a trade unionist and talked of the industrial working classes.

Now, I will confine my speech generally to the causes which have led to this present depression and unemployment. When my Honourable friend, Mr. Joshi, was making his speech, I only saw my Honourable friend, Sir Frank Noyce, on the Treasury Benches. So I said to myself: "Why should Sir Frank Noyce bear the whole brunt of the attack from my Honourable friend, Mr. Joshi, or from this side?" Then, after a few minutes, I saw the Honourable the Finance Member quietly walked in to share the burden of his Honourable colleague and I am glad to find him here. Sir, there is world-wide economic depression. My friend, Mr. Joshi, coined a new phrase, "reflation"—as he pointed out he borrowed the phrase from his Director.

Mr. N. M. Joshi: What?

Mr. B. Das: You are a member of the Governing Body of the International Labour Office, and you quoted Director Butler of the International Labour Office and I am so glad you did it. At first I did not understand what this word "reflation" meant. Well, Sir, I do hope the Government of India and the Chancellor of the Exchequer will take a leaf out of the book of Mr. Roosevelt, the American President. There was this wide economic depression in America, there was this problem of unemployment there, and, as my friend, Mr. Joshi, pointed out, America followed the policy of reflation. What happened? America has depreciated its currency, the dollar has gone off the gold and, if the newspapers be right, the dollar has gone off the silver, and I do not know what it now consists of,—zinc or paper,—but, anyhow, its value has depreciated. So what President Roosevelt has done is to make available to the American country large sums of currency to provide employment, to industry, to agriculture and so on and the activities of the Americans have increased. If I remember aright, the American budget showed a deficit of nearly 800 million or a thousand million dollars. The same thing happened, as I noticed, in the Japanese Government's budget which had shown a deficit of 800 million yens. But that money the Governments concerned did not utilise to pay high and fat salaries to

their officials: they utilized it to subsidise their industries and to increase the field and the range of employment in their territories. Sir, a prominent Britisher, who went from Lancashire to Japan, delivered a lecture the other day in Lancashire which was recently reported by Reuters and which said that England and the European world had to learn lots from Japan. It is no use talking about Japan as if Japan had sweated labour and saying that Japan sweats labour and competes in the world market. Japan has adopted the policy of rationalization under which the life of labour is sweet and it is sweetened by the labour he or she does in the cottage industries or the manufacturing industries. Similar remarks would apply to the Roosevelt policy in America. They are rationalising their industries and their agricultural activities, with the result that employment is increasing day by day. But in India, as my Honourable friends, Mr. Jadhav and Mr. Mitra, pointed out the other day, this Government is helpless and so is our Finance Member helpless. He cannot bring out a hundred million programme of public works or finance the agricultural movement in the country so that people may find employment. He cannot do it, probably because of the residual powers that he enjoys through his master at Whitehall. He will be compelled not to do it. Yet, later on, when the Honourable the Finance Member will rise to speak, he will say that he has got this Economic Survey Committee for us. He will say that he has secured eminent Professors from England who will survey the present economic depression in India. Not only they are not eminent Professors, but their knowledge of India is nil and they will start from the zero point and, in a year or two, they will probably bring out a report which will meet with the same fate as was accorded to Sir Arthur Salter's admirable recommendations by the Honourable the Finance Member. Sir, this new movement which is started by the Honourable the Finance Member has also had its echoes in the Provincial Governments. I find that the Bengal Government have also started an economic survey of their province. Sir, it is often said that when a Conference or a Committee cannot solve a problem, then it goes and sub-committees are appointed. My Honourable friend, the Finance Member, who will reveal the financial position of India on the 27th February, has safeguarded himself by this new Economic Survey Committee. Sir, if the Government were so anxious to do something for the people, they could have appointed such a Committee when Sir Arthur Salter submitted his recommendations. But they did not do that. So I do not take any pleasure in that Committee, because it has come after two years and, by the time it submits its report, there will be a complete collapse of the economic structure of the people of India.

Sir, one of the main causes of the economic depression in the industrial world is due to the aggressive nationalism that is prevailing in all the European countries including America and Japan. India is suffering from that aggressive nationalism of those countries. The result of all that is that it has so affected our cottage industries and other industries that this House had to pass the Safeguarding of Industries Act and the Honourable the Commerce Member was forced to introduce a Tariff measure which has been referred to a Select Committee. We have to take into account all that aggressive nationalism of sovereign nations who are today not thinking of internationalism or international welfare, but of commercial welfare of their particular States. The last Great War started through the commercial aggressive policy of Germany. I do not say that the other great nations, that took part in that Great War, were not actuated by the same motives. They were also actuated by the same commercial impulse to fight Germany

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and to get her out of the world's markets. We have to take into account the aggressive nationalism of more powerful nations than India. And when my Honourable friend, Mr. Joshi, and his supporters—I do not see Mr. Abdul Matin Chaudhury in his seat—ask us to consider “how these wages can be lowered”, we have to take into account

An Honourable Member: He is asking to raise the wages.

Mr. B. Das: But I am for lowering the wages.

Mr. N. M. Joshi: It is bad economics.

Mr. B. Das: My friend has suggested a standard wage, but we do not know what are those standards. I would have liked my friend, Mr. Joshi, to have pointed out how that standard of wage should be fixed.

Mr. N. M. Joshi: May I tell the Honourable Member that an ordinary worker should live as comfortably as the Honourable Member himself lives. That is my standard.

Mr. B. Das: Quite so. I would like to live in the same luxurious standard as that of my Honourable friend, the Leader of the House, but then my daily wages do not permit me to live in the standard of the Honourable the Law Member. Naturally, one has to look into other factors. And what are those factors? Today, my Honourable friend, Mr. Joshi, has pointed out that there is a great deal of unemployment with which I entirely agree. He also pointed out that, because of this unemployment in the Bombay town, the wages have come down to two annas from eight annas and 12 annas. Even from my practical experience of Orissa, I find that the wages of daily labourers have gone down by 60 per cent. So it is no use my demanding today a standard wage when millions and millions of people are not finding means of livelihood, but to think first of all how to find employment for them. I think if the House considers how the Government can provide employment, then it will do a good turn to these millions who are unemployed. Well, Sir, I know that my Honourable friend, Mr. Joshi, has also an ulterior motive by drawing the attention of the House through this Resolution. He wants that the attention of the House should be drawn to the report of the Whitley Commission.

Mr. S. C. Sen: That is his Bible.

Mr. B. Das: He was a brilliant member of that Commission. But I think the problem has reached a more critical stage than what
 3 P.M. was attempted to be solved by the Whitley Commission. We occasionally find that when the Executive Councillors go on their tours, they occasionally make speeches on the problem of unemployment. The other day, my Honourable friend, Sir Fazl-i-Husain, made a speech at Dacca to the unemployed educated youths of Bengal. I have not yet found the Honourable Sir Fazl-i-Husain who is in charge of the Department of Education, Health and Lands, persuading his colleagues, particularly his colleague, the Honourable the Finance Member, that the time has come when the Government of India and the Provincial Governments should permanently reduce land revenue so that they can give a certain relief to

the 75 per cent. of agriculturists in India. The other day, I was reading in the newspapers that Sir Sankaran Nair, while speaking in a certain Malabar Agricultural Association, mentioned that the policy of the Governments in India was to keep the agriculturists just alive. They take from the agriculturist as much as they can and leave him sufficient to have one meal a day and just a sufficient margin of seeds so that he can again bring out his next year's crop.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Is that the policy of the Government or of the landlord?

Mr. B. Das: Both the Government and the landlord. If I understood aright the speech of my Honourable friend, Mr. Lahiri Chaudhury, yesterday, he pooled all his resources and handed them over to the Government and said: "We are the second line of defence between the Government of this country and anarchy".

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's time is up.

Mr. B. Das: So my Honourable friend, Mr. Lahiri Chaudhury, wanted that the Government should support the landholders' scheme. I am sorry, my time is up, but I do think that if this problem can at all be solved, it is not by the appointment of Committees and Commissions, but by the Honourable the Finance Member of the country being bold not only in giving relief where relief is needed in taxation, but also in bringing out money either in loan or by circulating the reserve money which is lying with the treasury of the Government of India or with the Imperial Bank or in the Currency Offices in Agra and elsewhere and thereby providing sources of employment for the millions of this country.

The Honourable Sir George Schuster (Finance Member): Sir, my Honourable friend, Mr. Das, made so many references to me that I think it is just as well that I should intervene at this stage. We on this side have no quarrel with the Honourable Member who has moved this Resolution if his desire is to get a general discussion of the economic position and of what measures can be taken by Government or otherwise in India to improve Indian conditions today. But I have certain quarrels with my Honourable friend and I should like to state them very shortly. In the first place, I quarrel with the target at which he is aiming in his Resolution. I think he has framed it in much too narrow a fashion. My Honourable friend says:

"This Assembly recommends to the Governor General in Council to take immediate steps to protect the workers in the country against increasing unemployment and reduction of wages."

Now, Sir, I think any one who surveys the position in India today would have to come to the conclusion that in a time when most countries are suffering most terribly from industrial unemployment or from the unemployment of the wage-earners, India is suffering comparatively—I only say comparatively—little and that the real problem in India today is not so much the problem of unemployment of industrial wage-earners, but the depression and the lack of purchasing power which afflicts the great masses of agricultural workers in the country. I do not think that my

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Honourable friend, in focussing our attention on this particular aspect of the matter, has done much to direct our thoughts to what is the real problem in India today. I shall have something to say further on that matter in a few minutes. Then, Sir, I quarrel with my Honourable friend's methods. It seemed to me that the premises which he stated as the foundation for his case were absolutely unproved. He complained that we have no statistics, but he said even without statistics there are certain indications. He said: "there is unemployment in the whole world today, therefore there must be unemployment in India". He further said that low prices must mean unemployment, there are low prices in India today and, therefore, there must be unemployment in India. Sir, I have often myself felt—and this is one of the points in which I agree with my Honourable friend—that the statistics which we have at our disposal and the form in which we place our knowledge before the public are in many ways deficient in India. But, I have never felt that deficiency more than when I listened to the speech of my Honourable friend and to the way in which he tried to establish his case. Sir, if statistics had been available in a fuller measure or if my Honourable friend had made use of such statistics as are available, I do not think he could have put his case exactly as he did. There is no time in a short speech of a quarter of an hour to go fully into this matter, but let me take two simple indices which I think rebut a good deal of my Honourable friend's case so far as the industrial wage-earners are concerned. I have some figures here giving the indices of production in two important industries, the textile industry and steel ingots and castings which are in a fair measure of activity in iron and steel industry. Taking the year 1928 as 100, the index of production in the United Kingdom for textiles in 1933 is 87·0

Mr. N. M. Joshi: I admitted that.

The Honourable Sir George Schuster: In the United States of America, it is 95, in France, it is 74, in Japan, it is 134, and in India, it is 141. That is to say for the six months ending July, 1933. Then, Sir, taking the index of production for steel ingots and castings—again taking the year 1928 as 100,—the figure in United Kingdom is 79·4 for 1933,—I may say that the figures for 1933 are of a slightly different period in these various countries, but they are approximately the same,—in the United Kingdom, it is 79·4 in the United States of America, it is 46·8, and there I would remind Honourable Members who told us so much about what President Roosevelt has been able to do, while one may agree that a great deal has been achieved since he launched his programme one must remember that comparisons made in the case of the United States of America with the lowest period of depression are comparisons made with a level of depression which we certainly have not experienced in this country. for the iron and steel industry in the United States of America, one of the biggest industries in the country, had fallen to a level of 20 per cent. of its normal production. Now, for these 10 months ending October, 1933, it has come up from 20 per cent. to 46·8 per cent., France 70 per cent., Japan 155 and India 173. Those are very significant figures at least as regards two very important industries and it is a fact which should be remembered by those who are examining the Indian situation that, in the last few years when other countries have been diminishing enormously their scale

of industrial production, it has so happened that in India, even if the production has not been very profitable, the actual scale of production has been for various reasons increasing. There are other industries where the increases have been even more remarkable, the sugar industry for example. Now, Sir, I am not attempting to establish the fact that the industry in India is in a condition which can give us complete satisfaction, because, I recognise that the margin of profit is, at the present level of prices, extremely low. But, I do think it is fair to say that industry in India, compared with the rest of the world, is in an amazingly favourable position. You can go round the whole world and you will find no big first-class iron and steel works working at anything like the standard and rate at which Tata's are working now. Nor will you find in any country a big staple industry like the Indian textile industry working at the same percentage of capacity as the Indian industry is today. Therefore, Sir, I feel that this question of industrial unemployment is not really the main point of trouble on which we ought to focus our attention in India.

Now, Sir, my Honourable friend has spoken about Government's plans under various heads. He referred to the question of statistics and economic inquiry. There we fully recognise that there is very great room for improvement and we feel,—I have always myself felt,—that much greater effort was necessary in order to enable the people of India to understand their own economic position. We do need more information and I hope that, as a result of the inquiry which is now being made by two distinguished English economists associated with, and I would remind my Honourable friend, Mr B. Das, of that,—associated with three Indian economists, I do hope that those inquiries will lead to the better organisation of statistics and the production of information in a way which will be instructive to the public. We have to go slow, of course, in these matters in the present times, so far as increasing our permanent recurring expenditure is concerned; but I do believe that if money is spent within reasonable limits, money spent under this head will be very well spent, and I certainly hope that something will come out of this inquiry. I might perhaps remind the House of exactly what the scope of this particular inquiry is. The terms of reference to these gentlemen have already been stated by me and they have appeared in some of the papers, but I would just like to go over them again:

"(I) With a view to facilitating the further study of the economic problems of India to report on the existing organisation and range of statistical and other information bearing on the economic condition of India, with special reference to the gaps which exist at present and the means of filling these. In particular (i) to make recommendations as to the organisation of a central statistical department which in addition to the collection of statistics can co-ordinate statistical inquiry and information for the whole of India;

(ii) to consider the practicability and scope of a census of production;

(iii) to consider the materials obtainable for measurement of national income and national wealth;

(iv) to make recommendations as to initiation or continuation of a series of index numbers of prices, wages, production, etc.

(II) As it is desirable that the collection of the information referred to under the former head should be as far as possible designed to serve as a guide to practical policy, the main problems which arise in regard to the full utilisation of India's economic resources should be formulated."

Therefore, we hope to get a general survey of the present position in India from these gentlemen and to get practical recommendations as to maintaining a good running statistical organisation and possibly also for

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starting a full economic census or census of production in India. That, of course, would be a very ambitious work and will take several years to complete; but I for one have always felt that that is worth undertaking, particularly worth undertaking at this time when we are looking forward to constitutional changes, so that the new Government may come into power with a good statistical organisation and with a good survey of the position as it exists when they come in. Then, having got that survey of the position, it will be for them to keep it up to date and for them, if they can, to improve upon it. I should like to speak at greater length on that, but time is limited. We have had other suggestions. There is this suggestion of what my Honourable friend calls reflation, and we have been told that we ought to look round and see what President Roosevelt is doing in America, what Hitler is doing in Germany, what Mussolini is doing in Italy and what the Soviet Government are doing in Russia. Now, Sir, much undoubtedly is being or has been attempted in these countries. But if any Member of this House wishes to see what the results of that are, he should travel to those countries, he should study conditions there, and, moreover, he should study their present financial position; and I venture to think that he would find when he came back that we would not be able to say, "Here is prosperity; these people have found the secret of getting out of the present depression". He would come back and say, "Well, I find every one depressed, every one complaining that Government have not found a solution of these problems, every one complaining of over-taxation, of lack of profits and lack of purchasing power". In fact he would hear very much the same story which he hears in India. Sir, there is no magic remedy for the present depression and I have often felt that when one looks round the world and examines the position of countries which have stuck to their old gold standard, of countries which have tried depreciation of the currency as a means of raising prices, of countries which have tried reflation or inflation accompanied by measures for the improvement of purchasing power and keeping up of wages, wherever you look, you find that conditions are unfortunately very much the same. And yet we have got to try. I do not deny that. I do not for a moment contend that any Government should sit still and say: "We can do nothing". We have got to try and the Government in this country have been trying within the limits of caution and sound finance

Now, Sir, take this question of reflation. It is the idea of utilising the masses of idle money which exists today in order to stimulate employment. It is a very attractive idea. I may tell the House that 18 months ago, I myself, seeing that we had got control of the situation, that our credit was restored and that we could contemplate a borrowing programme again, approached the various Departments, and particularly the Railways, and said: "If you can find any sound economic schemes, there need no longer be any financial ban against undertaking those schemes". But the difficulty is that when you look into these matters, those sound financial schemes are not available. It is no use saying, as my Honourable friend, Mr. Joshi, said, that we should go on and build railways over the country. What is the use of building railways if they do not pay you when they are built and if they are not really wanted? If that is done, the final result is going to be much worse than the beginning. Then we are told that Government ought to carry on without taxation and incur

budget deficits as Japan, the United States and France are doing. Again what is the end of that? If you borrow money to build unproductive works or if you borrow money to avoid raising taxation, that does not mean that you are escaping that difficulty or that you get that money for nothing. You borrow that money and perhaps relieve the taxpayer today. But who is to pay for it? The taxpayer of tomorrow: And if you start on those loans and you pile up your public debt without increasing your revenue, sooner or later the reckoning must come; and, moreover, if you get into that position and then if you are afflicted by any unforeseen disaster, then you are no longer in a position to meet it. Now, we have had in the last few weeks an example of an unforeseen disaster coming upon us. We do not yet know what capital expenditure will be required in order to restore the position in those areas which the earthquake has affected. But what we can say now is this: our credit is so good, our financial position, so far as raising money, so far as our ways and means position is concerned, is so strong that we shall not have any difficulty in providing the capital which is necessary and in providing it on reasonable terms in order to help those people in that part of India which has been so affected by this disaster. (Hear, hear.) I believe that we are going to be able to demonstrate to the public the value of the policy that we have followed. Let us not look entirely on the dark side of the picture. Capital has been lost; buildings will be required; a great deal of work will have to be given out in order to replace that capital. In some ways perhaps that will answer my Honourable friend, Mr. Joshi's purpose. We shall create employment; and it is not merely a joke to put it like that, it is a real fact that there will be compensating advantages; there will be opportunities of giving employment and perhaps in some indirect ways the country may benefit from that disaster. But that would be impossible if we were not in a position strong enough to face it, to raise the capital without putting further heavy burdens on the country. Perhaps in 20 years from now or 50 years from now it will be possible to look back upon this period as one of the most instructive periods in the economic history of the world. We are learning many lessons, and I think the world is convinced that some of the old financial fetishes no longer deserve the respect which they have demanded in the past. We are coming to the view that money is not an end in itself—at least I hope we are—but is a means to an end. I hope that the present crisis will get the world out of the very mistaken sense of proportion and sense of values into which it had fallen; but I think one of the lessons which will be learnt from this period is that although money is only a means to an end, nevertheless you cannot juggle with it; that there is no short cut to prosperity in times like this by juggling with money and that the sound method in the long run is the best; that patience and hard work is the surest cure and that those politicians who come before the public and promise them great things if they can only be put into power and have an opportunity to employ their quack remedies are in the long run people who do not serve their country well. Sir, we must have patience. On the other hand, we must work hard, and I would be the first to acknowledge that we in the Government of India are not above human failings. After all, there are only seven of us; we have a great deal of work to do; Honourable Members do not exactly increase our opportunities for studying these matters, because we have to devote a great deal of our time to discussions in this Assembly. Undoubtedly, if we all had time to think more, we could achieve more; but if you look back upon the record and when you

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come to examine the records in the future of how India has gone through this crisis, I venture to think that your verdict on what this Government has done will not be entirely a critical or condemnatory one. My Honourable friend, I think, has done good service in raising the discussion today. I hope that the discussion will continue on interesting lines, for we are always ready to receive ideas, and I can assure every Honourable Member who speaks that any useful suggestion will receive our most serious consideration. (Cheers.)

Mr. F. E. James (Madras: European): Mr. President, if this discussion has served no other purpose, it has served the extraordinarily valuable and useful purpose of securing from the Honourable the Finance Member a statement that the credit and resources of India are equal to providing at reasonable rates of interest definite capital assistance to the devastated areas of Bihar. That is a statement which, I venture to say, will be welcomed by every side of this House, and I think that we must admit that the Honourable the Finance Member himself has in the recent difficult years played a not unworthy part in maintaining and securing that credit of India's finances which will, I hope, make what he has suggested today possible in the largest possible degree. He has many achievements upon which he will be able to look back with satisfaction when he leaves his present post. Not the least of his achievements will, I hope, be a solid and lasting achievement in regard to the provision of immediate and necessary help to those who are at present suffering the loss not only of their relations, but also of their property and indeed all their future prospects.

When I read the Resolution of Mr. Joshi, and when I heard his speech, I did not adopt my usual attitude in regard to Mr. Joshi and look for points in connection with which I might join issue with him, but I rather looked for indications of arguments and points on which I might find myself to some extent in agreement with him; and I am very grateful to Mr. Joshi for having raised this discussion, because he has in one or two instances raised points which do find support on some of these Benches and certainly from myself. The need for statistics has already been mentioned and acknowledged by the Honourable the Finance Member. Mr. Joshi laid great stress upon the need for a programme of public works and seemed to indicate that other Governments were ahead of this Government in their pursuance of that policy. I would, of course, remind Mr. Joshi that there is no country in the world in which the Government undertake so extensively public works as in India. I think if you study the position in other countries, you will find that in regard to public works generally, in regard to irrigation projects, in regard to water supply projects, in regard to electricity projects, there is no single country in the world where so much is being done at the present moment as by the Central or the Provincial Governments. That does not necessarily mean that the resources of Government in that connection are exhausted, and I join with him in pressing upon the Government that they should do everything possible at the present moment while conditions are favourable to embark upon reasonable and productive capital schemes of work. At the World Economic Conference, one of the most important and interesting Sub-Committees dealt with this matter of Public Works on an International scale. A great deal of information was collected from various

countries in Europe as to what public works were better undertaken by the Governments concerned, and I made a very brief list of some of the items which were regarded as legitimate public works to be undertaken at the present time. They come under the head of "remunerative works", that is to say, works which are directly remunerative, and works which are "indirectly remunerative". Under the heading "directly remunerative", either in part or in whole, come irrigation and drainage schemes, electrification projects, long-distance telephone systems, drinking water supplies and road and bridge construction. Now, in regard to some of those points, I think that Provincial Governments might be urged by the Central Government to do what they can along some of those lines to embark upon public works of a directly remunerative character at the present time. Under the heading "indirectly remunerative character", there are long distance roads, road and bridge construction, canal construction, railway junction re-construction, and the provision of important railway branch lines. I think the railway administration is to be congratulated upon its latest programme of capital works but I would suggest to the Honourable Member for Industries and Labour that there is one direction in which he himself might exert pressure upon Local Governments, and that is in regard to road construction. I understand that at the Road-Rail Conference, held in Simla, the Honourable the Finance Member gave some assurance that he would be prepared to arrange for loans to be granted to Provincial Governments if Provincial Governments came forward with suitable schemes for road construction. I am not aware that any Provincial Government so far has come forward with any such proposals, but it does seem to me that here is a splendid opportunity which may not recur for many years for Provincial Governments to take advantage of that offer and go forward with large schemes (which are much desired and much needed) of road construction. I hope that Provincial Governments might be reminded that the opportunity is still open to them, and that this is one of the ways in which they can extend their programme of public works. Now, Sir, so much for public works.

Then, my friend, Mr. Joshi, made a reference to the question of the reduction in hours of work, and, as far as I understood his speech, he linked that with an increase in wages, and he pointed to America as a country which was endeavouring to accomplish the two things at once. Well, we all hope that the experiment in America will succeed, but there are no grounds at present for stating that it has succeeded or that there is any certainty that it will succeed, and, therefore, I suggest to my friend, Mr. Joshi, that in regard to the American experiment, it is much better for us to wait and see until that has in any sense succeeded along the lines it has proceeded. In any case, as the Honourable the Finance Member has already pointed out, the situation in India has never been, and please God, never will be, as desperate as was the situation in the United States. Where you have a desperate situation, then possibly there is justification for trying out desperate remedies; but where you do not have a desperate situation,—and you certainly have not got it today in India—though, I admit, it is serious,—there is no justification for trying the desperate remedies which Mr. Joshi seeks to thrust upon us.

Now, Sir with regard to the question of wage reduction, I am aware that there is a growing opinion among members of my own community and also among Indian industrialists that the reduction in the number of hours in work is inevitable and is becoming increasingly advisable from many points

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of view It is doubtful whether that can be achieved without a corresponding reduction in wages. I do not know whether my friend, Mr. Joshi, would be prepared to advocate a reduction in the hours of work if it meant also a reduction in the rates of wages. At the present moment, as far as I can see the situation in this country, there is certainly no possibility of bringing about any substantial reduction in hours without a corresponding reduction in wages, and that is the great controversy which is proceeding in every country. I may be permitted, Sir, to read a paragraph from the World Economic Survey of the League of Nations which was written at the end of 1933, in which it says this:

"The theoretical problem of the effects, likely to be produced in more normal circumstances by a reduction of hours and rising wage-levels, can be stated only in tentative, hypothetical terms. Such a change in the supply, and therefore in the price, of labour disturbs the balance between labour and capital costs and between costs in general and demand prices. Where the new equilibrium will finally settle depends upon a number of independently variable factors, such as the changes induced in labour and management efficiency, in the supply of capital, and the rate of interest, as well as in the reactions of consumers' demand. The practical question, therefore, comes back to the wisdom or unwisdom of launching in advance in labour standards, involving at least temporarily and in certain industries an increase in labour costs. At the moment of writing, in the spring of 1933, the controversy is unresolved and action is suspended. Meantime, events march rapidly in other directions and monetary fluctuations involving fresh and disconcerting disturbances of existing price disequilibria in almost every direction are changing the whole setting of the problem."

It is such a difficult problem that no general agreement has been reached even at the meetings of the International Labour Conference itself, and it is, therefore, quite impossible to lay down that one of the specifics for the problem of unemployment is a reduction of hours coupled with a rise in wages.

There is only one other point to which I should like to make a passing reference, and I had so much hoped, when the Honourable the Finance Member rose to speak, that he himself would make a reference to that point. The question of unemployment is a most complex one, for unemployment in this country arises from so many causes. There is the enormous increase in the population. There is the peculiar educational system in the country which turns out a large supply of equipped people for whom there are no vacancies in ordinary employment. There is the ordinary result of the present depression of trade and commerce. There is the vast technical progress which has all along thrust out of our industrial system those who have been trained to the older processes. All these things are causing a state of unemployment, and it is impossible to put your finger on any one thing and say that that one is the main cause,—that is why it is impossible to put your finger on any one thing and say that is the main remedy. It is a complex question and its remedies are bound to be very complex in themselves. But there is one thing which I do believe is growingly essential and is becoming of vital importance, not only to the Government of the country, but also to industry and commerce, and that is a termination, as soon as possible, of the *laissez faire* policy which allows ordinary economic adjustments, which allows industrial and commercial developments without any forethought for the morrow and without any planning for the present. I have on previous occasions referred to the necessity for what I call, for the lack of a better term, greater economic planning in regard to industry and commerce in this country. We have made a beginning in Agriculture by the work of the Imperial Council of Agricultural Research, and one has only to be in touch with even one or two branches of agriculture to know what a tremendous

advantage that organization is proving to the agriculture of this country. Now, you want something of that kind in regard to industry and commerce and the Salter report, which, I believe, was published some three years ago, made certain tentative suggestions in regard to an Advisory Economic Council which might prove useful to the Government of India and this country. Mr. Joshi said that one of the causes of unemployment in his view was the curse of capitalism. I cannot be expected to agree with him, and I am glad he did not develop his theme. But there is no doubt of this, that capitalism, as we knew it in the old days, is doomed and will only survive as a form of economic activity as long as it is both controlled and planned. In that the Government should take a leading part. I had hoped very much before the Finance Member left these shores that he would be able to make some definite pronouncement in regard to the suggestion made by the author of the Salter report. I remember that, at the time of the discussion on the Reserve Bank Bill, Mr. Mody made a very pointed request to the Finance Member that he should consider this matter and try and evolve something before he lays down his office. His reply to that request was, I know to Mr. Mody and certainly to myself and others, somewhat disappointing. He could not be as definite as I believe he would like to have been at that time. I realise the difficulties, everybody realises the difficulties under the present system of Government here where plans for co-ordination are apt to be strangled by departmentalism. Yet the fact remains that one of the urgent problems in India today is this problem of planning for the future in regard to all forms of economic development.

My Honourable friend, Mr. Joshi, referred to the unemployment in Bombay in the textile industry. The root cause of that unemployment is the hopeless lack of planning in regard to that industry in its earlier stages. In a short time, I believe within ten years, Members of this House will be complaining about unemployment in another industry which has recently sprung up under the protection of a very high tariff wall. And why? Because the tariff wall was put up and the industry has been allowed to develop,—developing so fast without any planning, without any control that within a very few years there will be far more—I do not wish to specify the industry—there will be far more activity in certain directions than this country can properly contain and the result will be, there will be losses, financial losses and the throwing of people out of work. I admit that the formation of an Economic Advisory Council, on the lines suggested by Sir Arthur Salter, is not going to solve the unemployment question today. It is probably going to have no effect upon the unemployment question today; but I do believe that it will have a very serious effect and a beneficial effect upon the trend of things in this country in the next generation and it is to that trend that the eyes of the present should be directed most carefully. The community that is not prepared to organise itself is going to the wall. We complain of Japan. We complain of Japanese activity in this country almost every hour. And what do we find? We enquire into their labour conditions and we find that, generally speaking we in this country cannot complain of them. We enquire into the advantage given by the depreciation of the yen, and making all allowances for that, we still find that Japan can run where we can only walk, that Japan can leap when we can only halt. The reason is that Japan has for the last generation deliberately and carefully and ruthlessly planned its whole economic life, and, behind its economic plan, it has placed the whole of the resources of its own Government.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's time is up.

Mr. F. E. James: May I just finish in one sentence? I am sorry to have kept the House longer than I had intended on this particular point, but I do sincerely trust that the Honourable Member for Industries and Labour will be able to give us some hope that the Government realise that in this matter they must act and act without delay. (Cheers.)

Sirdar Harbans Singh Brar (East Punjab: Sikh): I am at one with the previous speaker on one point at least, that is, that if we cannot start any profitable railway schemes, we can at least start a programme of road-making to provide easy means of transport for marketing the rural production of agriculture and thereby afford some relief to the already too many difficulties in the way of the agriculturist making his industry profitable. The agriculturists are very much handicapped in marketing the produce of their labour for want of rural communications, because the District Boards are not very much financially better off and the Local Governments find it very difficult in these depressed times to give liberal grants for starting road programmes. Before the present depression came into being, at least in my province, of whose rural communications I have some intimate knowledge the Government were liberally treating the Local Boards by way of giving good grants for new schemes of road building and almost every District Board was adding to its road mileage every year, setting apart so much money from its own funds and getting the rest from the Local Government by way of grants. But for the last three years the Local Government has not found it possible due to their tightened finances to make any grants whatsoever for new programmes of road building to provide communications in the rural areas, and if the Central Government, as my Honourable friend, Sir George Schuster, has said this morning, is prepared to make large advances to the Local Governments to help them in starting new programmes of road building, it will help a great deal the rural people in this unhappy land.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): And the motor manufacturers.

Sirdar Harbans Singh Brar: And the motor manufacturers whom my Honourable friend, Mr. Pandya, wants to be helped by way of this programme. The State Railways do not come into competition in all places and at all times. Even at present you have got roads running parallel to railway lines either for strategic or other military purposes. It is only in those parts, where there are neither railways nor roads nor canals, that the people are handicapped. You will find places where for 20 miles or 15 miles there is neither a railway nearby nor any *pucca* road running where the people can take the conveyance to go to the cities or other places. It is in those parts where the railways do not run that we need the road system to be started and built, so that the people may have at least one means of communication for their needs. That will provide a large amount of labour to our workers as Mr. Joshi wants and will reduce unemployment among the unskilled and skilled labour and will be of great benefit to the country as a whole. On this particular Resolution I have not much more to say, because I expect that Mr. Shafi Daoodi's Resolution regarding unemployment among educated classes may be reached this evening and continued to the next day.

[At this stage, Mr. President (The Honourable Sir Shriamukham Chetty) vacated the Chair which was then occupied by Sir Leslie Hudson, one of the Panel of Chairmen.]

Something ought to be done to protect the wages of the workers if it can possibly be done, because we are giving so much protection to the industrialists by high tariff and other things. Why should we not do something to see that a reasonable amount of wages is permitted to the labourer, but there has been no definite standard reached by any particular inquiry, and it is very difficult to say what a decent standard of wages is. That shall have to be found out when a Committee of Inquiry is set up. At present it is very difficult to say what should be the minimum standard which should be guaranteed to the workers. I do not think there is any difference of opinion, either on this side or that side, that a decent living wage should be provided to the workers. With these few words, Mr. Chairman, I sit down.

Raja Bahadur G. Krishnamachariar: Sir, those of us, who have read Dr. Johnson's works, would remember that, on a historic occasion, when he was asked how he felt, he said "like the monument". That exactly is my feeling after hearing today the speeches in connection with the Resolution that was moved by my friend, Mr. Joshi. We have travelled a wide ground. We have had an economic survey of the entire world and of the world of India, but what is the result? I do not know. It is impossible to arrive at any result. I entirely agree with the Honourable the Finance Member that this question was raised, but not only for this reason that it has drawn out of the Honourable the Finance Member himself an admission that a Resolution which we intend to move a little later on in the Session would meet with a hearty response from the Government, but also for the reason that it has drawn out of him a very good economic survey of the world exploding the somewhat optimistic observations of the Honourable the Mover regarding the activities of President Roosevelt, Hitler and Mussolini. Those are the two most valuable contributions in the debate. Delete them, and I think we have not much to congratulate ourselves upon, I respectfully submit, the time that we have devoted to this Resolution. I thank the Honourable the Finance Member at the same time for stating that the real problem is about the agricultural classes and not about the industrial wage earners, or the position connected with them. Now, with regard to that, my friend, Mr. Joshi, was reading certain statistics. Where he got them from, I do not know. My friend, Mr. Joshi, says that agricultural wages have gone down from nine annas to seven annas nine pies. I do not know where he got his statistics from.

Mr. N. M. Joshi: I said very clearly that I was giving the statistics which were given in the *Bombay Labour Gazette*, which is a Government publication.

Raja Bahadur G. Krishnamachariar: I do not doubt the accuracy of what my friend said. Only it seemed to me, I say that with all respect, that Bombay does not constitute India. Bombay is only one part of India, a part where agriculture is not very largely resorted to. The most important problem that ought to have been tackled is not Rooseveltism, Hitlerism or Mussolinism or anything connected with them. Beyond the statement that the agricultural wages have gone down from nine annas to seven annas nine pies, nothing has been said as to what ought to be done. That is my complaint. With regard to what my friend, Mr. B. Das, said,

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were it not for the fact that it would not be relevant to the present discussion, I should certainly take two hours to state my grievances as to the way land revenue is taken from me. He said there ought to be sufficient relief given to me. I entirely agree. About the unsatisfactory manner in which this question was disposed of by the Madras Government, I shall have something to say during the budget discussion. What I am now concerned with is this. My friend put forward a very large programme, some part of it was probably very good, some probably not so good, but everything in his opinion entirely desirable, but where is the money to come from. My friend, so far as I am aware, does not contribute very much to the taxes or the taxable income of this country. Whenever a proposal is put forward, either you have to borrow the money or you come to me for the money and I have to pay the money in order to satisfy Mr. Joshi's fad. I do not use the word in any offensive manner. Raise the wages of the workers by all means, but where is the money to come from? Agriculture will not pay. If you take not only the wages of the agricultural labourer, but the cost of production and the amount that we get for the produce and the demand of Government that we have got to meet, Mr. Joshi will find that there is not much left, if at all, for these philanthropic movements which can only be financed by putting your hand deep into the pockets of other people. The Resolution asks us to take immediate steps to protect the workers in the country against increasing unemployment and reduction of wages. What is the proposal, so far as agricultural labour is concerned. I am only concerned with that. So far as intellectual unemployment is concerned, that, I think, is not quite within its scope and, as far as the industrial workers are concerned, those who are in charge may take care of themselves. I belong to a community which has been ground and ground only to find, at the end of the year, that my work did not end very much in profit. How are you going to raise the wages of the agricultural labourer except at the expense of the man who owns the land. All of us are suffering. There is a complaint that I did not do something for the labourer. I complain that the labourer did not do something for me. Between us, you find that there is nothing left at all. Consequently, I am very thankful to the Honourable the Finance Member when he cautioned us about raising loans for meeting these public works, and, at the same time, for not telling us that he is going to impose any taxation in order to meet this position.

Sir, the fact of the matter is this. We have been collecting statistics, and if the remark of a cynic is not unparliamentary, I would say what he said. He said "lie, greater lie, and statistics." That, Sir, is the description of statistics: you can make anything out of statistics. So please do not trouble about statistics or anything. You take small groups. You can very easily find out the economic condition of that group. For instance, the Madras Government, due to the great pressure brought to bear on them in the Legislative Councils made economic inquiries regarding two districts—the East Godavari and the West Godavari. That could very easily be done in every case. I join issue with my Honourable friend, Mr. James, if he says that the Imperial Council of Agricultural Research has been much good. I have been a very very careful reader of their journals and publications. On paper, in print, they are nicely got up, there are plenty of plates and illustrations and all that, but I start hungry in the morning and go to bed hungry for all the trouble due to reading these publications. Sir, publications will not do. Come with me to the field, work with me in the field, show me if any of your theories

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can lead to any substantial result, and then I can congratulate you. I can never forget, Sir, what Mr. Anstead, sometime a Director of Agriculture in Madras, told us about the labours of the Agricultural Commission. There was a gentleman employed in the Government of India by the name of Mr. James Mackenna. Years ago, he brought out a book which is now sold by the Government Printing Department at four annas. He wrote in that pamphlet a great many things about agriculture. He was Imperial Adviser in Agriculture to the Government of India or some such thing. Now, you go through the report of the Royal Commission on Agriculture. It contains exactly the same proposals as were made by Mr. Mackenna. If you compare them, paragraph by paragraph, putting them in parallel columns, there is not much wisdom brought out by the Royal Commission on Agriculture except perhaps in the matter of this Imperial Council of Agricultural Research. What have they done? Sir, I do not want to go into these matters now. The fact of the matter is that unemployment does not exist among the agriculturists beyond the fact stated by my friend, Mr. Joshi, that the agricultural population has not got employment for four or five months in the year. But how are you going to raise wages. There is no real unemployment. What he really means is to find out some means of subsidiary employment for these agricultural people and thereby add to their income. That question, however, is not relevant to the Resolution at all.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): How is it not relevant?

Raja Bahadur G. Krishnamachariar: The Resolution refers to "increasing unemployment and reduction of wages". Now, the reduction of wages necessarily follows when there is nothing that a man, who wants his wages, produces. I will not labour the point. What I would respectfully submit is that this Resolution is a very good one, in order to raise an academic discussion. But we are not here concerned with academic questions at all. Economic inquiries are very good, statistics are much better, but the conclusions of economists change day by day. During my own lifetime, I have known four economic theories regarding so many problems of life that you do not know, when you go to bed, whether, before you get up in the morning, those theories will not be exploded by some fresh economic gentleman. So, I would say "save us from these things. Find out the men who know the job and get them to make inquiries". I promise within one month the real economic condition of the country will be revealed and all these gentlemen in the Government of India are quite competent to do it. You do not want to bring out experts from overseas. You do not want to join them with our own experts. Do not waste time. You ask your own people who are here. After all, they have not got so very much work, and on some other occasion I may have to refer to that; put them to do it. Find out if there is any grievance which you can remedy instead of appointing Committees which, as that cynic said, are only round about ways of finding out what everybody knows. They are absolutely no good whatsoever, and, so far as this Resolution is concerned, I am perfectly sure, it takes us neither here nor there.

Mr. K. P. Thamvan (West Coast and Nilgiris: Non-Muhamadan Rural): Sir, as my friend, Mr. B. Das, said, this Resolution is very wide in its scope embracing as it does unemployment in agriculture, industries and among the middle classes and also the reduction of wages among all

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these classes of labourers. Sir, personally I attach more importance to the increase in unemployment than to the reduction of wages. I would prefer a reduction in wages to a reduction of hands employed. In these bad days, it is sufficient if one gets any employment. Of course a reduction by a few annas, say a couple of annas, in the wages a man earns may be a very hard thing, so far as he is concerned, but so long as he gets something, he can carry on with it. Therefore, during the short space at my disposal, I propose to deal with the unemployment question alone.

As my friend, Mr. Joshi, said, no reliable statistics are available on this subject. There has been no census of employment or unemployment, or production or wages in this country. Many schemes for the collection of statistics have been thought over from 1925, but neither the Government of India nor the Local Governments have done anything in this matter. Of course we had the Economic Enquiry of 1925, then the Salter Report and now Messrs. Bowley and Robertson are collecting facts. But I have a suspicion that these facts will prove more useful for Government in order to find avenues of increased taxation than for doing anything else. Sir, if you and I live for a couple of years, I am sure, we will find that, on the basis of the report of Messrs. Bowley and Robertson, specific proposals for imposition of fresh taxes will be put forward. As regards unemployment, there was the Washington Convention about information, statistical and otherwise, regarding unemployment and measures to be taken to meet it to be supplied to the International Labour Office every three months. That Convention was ratified by this Legislative Assembly in the year 1921, but no action was taken on the alleged ground that there was no unemployment. If you will refer to the proceedings of the International Labour Proceedings, you will find that the Japanese delegate made fun of our representative, Sir Atul Chatterjee, for not doing anything, on the ground that there was no unemployment in this country. Sir, this paucity of information makes it difficult to assess unemployment at the present time and to ascertain the rate at which it has been growing. Sir Visveswaraya says at page 6 in his book "Unemployment in India":

"A rough estimate puts the number of unemployed in India at 40 million and the total number of persons suffering from insufficient food, clothing and shelter, even judged by the low Indian standards, cannot possibly be less than a hundred million."

Sir, it is a very dismal figure. For all I know it is not an overdrawn picture. As my Honourable friend, Mr. Joshi, said, there are many indications to enable us to assess to some extent to the nature of the unemployment. He has already quoted trade figures to show the reduction in the exports of this country. I, therefore, do not propose to deal with that. Then, Sir, as regards agriculture my Honourable friend, Raja Bahadur Krishnamachariar, said that there has not been any reduction of unemployment among the agricultural labourers. Sir, I hold a different view. There has been a distinct reduction in the number of the unemployed agricultural labourers. In this country, more than 75 per cent. of the people subsist on agriculture. By the very nature of agricultural operations and conditions prevailing in this country, we have got more labourers than are required, and agriculture has to support more people than it can afford to support.

Raja Bahadur G. Krishnamachariar: Not labourers, but their dependents also. We have got a sufficient number of labourers. That is the trouble.

Mr. K. P. Thampan: A labourer earns his wages, not only to support himself, but his wife and children also. Unless the country becomes more industrial, or, in other words, more industries are established, the problem of unemployment can never be solved. At page 13, Sir Visvesvaraya says:

"Agriculture is a necessary industry in every country, but *no nation in modern times has grown rich from agricultural pursuits alone.* In India the pressure of the population on land has been growing steadily and, under the primitive methods of cultivation still practised, the economic law of diminishing returns has begun to operate. The Montagu-Chelmsford Report characterises agriculture in India as a precarious occupation. There is no profit to be made from it and the indebtedness of the peasantry is growing. A comparison of the census figures between 1911 and 1931 shows that, while Western nations and Japan have been concentrating on industries and trade, India has been growing more and more predominantly agricultural.

In spite of her vast agricultural resources and the enormous increase in population, the rural population of the United States of America has remained practically stationary since 1900, but nevertheless, on account of the adoption of machinery and rationalization methods, the production from agriculture has gone on increasing. It is on record that since the World War, farm production in the United States of America has increased 50 per cent. more rapidly than population.

In the year 1900, the income from industries in the United States was about equal to that from agriculture. But since 1900 that country has so developed and expanded her industries that in a normal year the value of industrial products is about four times that derived from agriculture. Similarly, it is on record that Japan increased production from industries from one billion yen in 1914, that is, before the War, to nearly seven billion yen by the year 1926. (Since then I need hardly say what industrial expansion Japan has made.) These instances bear eloquent testimony to the predominant position industries occupy in the economic life of every progressive nation and how much India has lost in recent years by inattention to industrial development."

This is a very important matter which I will commend to the attention of the Government of India. Our agricultural conditions are still deteriorating. According to the census report, the mean density per square mile in India rose from 174 in 1911 to 195 in 1931. This is on total area. According to Agricultural Statistics of British India, Volume I, page (iii), the proportion of the net area sown to the total area is only 34.3 per cent., that is, about one-third. So the mean density per square mile of sown area will be about three times more than the census figures, that is, about 600 per square mile. The nature of agricultural work, depending on seasons and monsoons, leaves enormous gaps in employment:

"In the Madras Presidency, on one-crop land the agriculturist works for only five months in the year, and on two-crop land only for about eight months."

That is the view of Dr. Gilbert Slater. All this goes to show increasing unemployment or under-employment amongst the agricultural workers.

"The agricultural population, according to Vera Anstey, is still subject to occasional but periodic unemployment, termed famines, as well as, at all times, to under employment."

The figures of agricultural experts furnish very strong indications that, owing to fall in export, the number of unemployed in agriculture must have gone up.

Now, Sir, I come to industries. The statistics of factories in British India refer, of course, only to the factories under the Factories Act and leave out of account the unregulated and cottage industries which together employ many more than the factories under the Factories Act. Still these

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figures afford valuable indications of the shrinkage in employment. The total number of workers in regulated factories in the year 1929 was 1,553,169, and in the year 1932, it was 1,419,711, while the number of factories in the year 1929 was 8,129 and, in the year 1932, it was 8,241. So, it will be seen that while the number of factories did increase during the four years by 112, the number of labourers employed has fallen very much.

Equally valuable indications are afforded by the figures of those employed in the mines. The total number of workers in the mines in the year 1929 was 269,701 and, in the year 1932, it was 204,658. Among the railway staff (superior and subordinate, including labourers), the number of employed in the year 1929-30 was 817,733 and, in the year 1931-32, it was 730,219. It is noteworthy that the mileage of railways in 1929-30 was 41,724, but, in 1931-32, it was 42,813—an increase over 1,000 miles.

I will now refer to the state of employment in factories and their general conditions. According to the *Indian Textile Journal*, Bombay, November 1933 issue, out of a total number of 84 mills in Bombay, no fewer than 31 have been closed since January, 1933. The Currinbhoys and the Sassoon group of mills had to be closed. There has been a stoppage of 22 to 37 per cent. of the spindles and 14 to 30 per cent. of looms. A note appearing in the *Times of India* of the 31st November, 1933, states that the output of yarn and woven goods in January, 1933, was 24,679,000 lbs. and 20,915,000 lbs., respectively, as against 22,810,000 lbs. of yarn and 18,398,000 lbs. of woven goods in July, 1933. Unemployment among cotton mill operatives in Bombay has been estimated to be in the neighbourhood of 45,000 at the close of the year 1933. It is common knowledge that Government . . .

Mr. Chairman (Sir Leslie Hudson): The Honourable Member's time is up.

Mr. K. P. Thampan: Sir, I shall close. The unemployment among middle class people has been referred to by Mr. Das. I am sorry, time does not permit me to suggest means for meeting the situation. It is a problem that can be tackled and it is up to the Government to do it as soon as possible.

Mr. C. S. Ranga Iyer: Sir, my Honourable friend, Mr. Thampan, has, I believe, almost replied to the Leader of the Centre Party. It is a pleasure to listen to the Raja Bahadur, whether it is on legal matters or on social matters or on matters relating to unemployment and, with his versatile genius he sometimes labours to evolve almost what seems logical. But still I do not think he was really grasping the seriousness of the issue which Mr. Joshi has raised. No one in this House, not even the Raja Bahadur who has a practical side, I admit, to his life, could have accused Mr. Joshi of indulging in an "academic discussion" or bringing forward a theoretical proposition. I was a little astonished that the Leader of the Centre Party, with the responsibility attaching to his position, should have dismissed this Resolution as having raised an academic discussion. The question of unemployment in the country is not academic and the political developments in the country would not have been so serious but for the unemployment question. I believe it is a fact that the unemployed in the country swelled the patriotic procession which marched into the prison as Pandit Jawahar

Lal Nehru himself has said in one of his recent utterances, rather sensational, but full of sense in certain parts of that utterance—this time he did not go after a series of what I may call the switch-back sensations, at any rate not in that particular speech. He said, so long as there is the unemployment problem, the problem of the landless and the unemployed, the politician, with an ideal, will always have workers. I want, Sir, to attack the problem from that point of view. I do not want the unemployed or the workless to be exploited even by the politician. I want to cut off the fuel that feeds the agitation and, therefore, I hope, when the Raja Bahadur rises in his seat again to attack a problem like this, he will not call it academic. Associated as Mr. Joshi has been with the labour movement in the country, he can speak with greater authority than anyone in this House on the non-official side about labour unemployment.

Raja Bahadur G. Krishnamachariar: I deny that.

Mr. C. S. Ranga Iyer: The Raja Bahadur denies that. It is very easy to deny, but I deny to Raja Bahadur the experience that Mr. Joshi has got of association with industrial and labour workers. Mr. Joshi created relief to the labour people in this country, he created labour organisations in this country and the very fact that the Government have felt compelled year after year, Assembly after Assembly, to have Mr. Joshi represented in this House and abroad for important labour discussions, an honour that has not fallen to the Raja Bahadur, is positive proof that Mr. Joshi is a greater authority on the question of labour than the Raja Bahadur can ever be.

Raja Bahadur G. Krishnamachariar: I am sorry my Honourable friend referred to the Government's position. The Government in this country always listens to the man who shouts the loudest, reason or no reason, and the reason why Mr. Joshi has been nominated time after time is that he is the self-constituted leader of the labour party, and it was just as well to silencing him.

Mr. C. S. Ranga Iyer: When arguments are feeble, cheap accusations are easy, and even the Government can be cheaply accused of yielding to the agitator, to the loudest shouter.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But the very fact that Government had set the entire machinery of repression to put down the loudest shouter shows that the Government are not made of soft clay, and if the Government have been compelled to have Mr. Joshi in this House, Assembly after Assembly, it is wholly and solely because Mr. Joshi has identified himself with the labour movement as no one in or outside this House has identified himself, and, if only the Raja Bahadur had studied the constitutional side of labour representation and the recommendations in the Simon Report, he would have found that Government have been obliged and will be obliged in future to give adequate representation to labour, because the representation of labour by Mr. Joshi, though effective so far as his work goes, is inadequate so far as the number is concerned. (Hear, hear.) I will not allow any charge against Mr. Joshi to pass unchallenged even if it emanates from the Raja Bahadur. As for "the academic discussion", when the Honourable the Government Member speaks, it will be found that even the Government do not think that the

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problem of unemployment in this country is an academic one. Sir, the trouble in this country is its over-population. Wherever there is over-population, wherever there is an excess of population, unemployment becomes a very difficult problem to tackle.

Raja Bahadur G. Krishnamachariar: Birth control.

Mr. C. S. Ranga Iyer: The Raja Bahadur, with his usual sense of humour, advocates birth control.

Mr. B. Das: Does religion allow it?

Raja Bahadur G. Krishnamachariar: I forgot to mention it in my speech.

Mr. C. S. Ranga Iyer: That is one solution and, I am glad, the Raja Bahadur acknowledges in a whisper just now that he forgot about it. If, instead of treating this problem as academic, had he preached birth control, had he pleaded for promoting organisations and propaganda for birth control all over the country, at any rate he would have pointed the way to reducing the population that is abnormally increasing in the country.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): What about Mr. Jadhav's Bill for legalising miscarriages?

Mr. C. S. Ranga Iyer: I am sure, that is a matter which will interest my Honourable friend. But the trouble about the unemployment in this country is the joint family system. I admit it is rapidly dying out, but still the instinct is there, the tradition is there. There is my Honourable friend, the Raja Bahadur, for instance, with probably 50 lakhs in gilt-edged securities but even he has poor relations and even he feels that he must maintain his poor relations. But all are not rich. There may be some earning members in families and they feel that it is their duty to feed their dependants.

Raja Bahadur G. Krishnamachariar: All honour to them.

Mr. C. S. Ranga Iyer: That is the tradition of this country and the result is that the family system leads to the pauperisation of all concerned. I had already said how over-crowding leads to chronic unemployment. I now say how the family system leads to the unemployment problem. These things can be attacked only by the propagandist and by the social worker and not so much by the Government themselves. Where the Government can be of help is where Mr. Joshi deals with the workers of the country, and, here, Sir, the Government can help a great deal the cottage industrialist. The Raja Bahadur talked, in a lighter vein, I should think, about people being unemployed,—agricultural people for certain parts of the year. But if the Government help the cottage industrialist, because India lives in the villages, then, I am certain, that the misery of unemployment will be considerably alleviated. Time was when our cottage industries flourished, for reasons that I need not go into now. For the very obvious reason that we are living in an age of machines, in a chemical age, the cottage industrialists have perished practically. In a country like India, I think what we want is really not an expansion of

mills, not an overcrowding of workers in the slums of Bombay and Calcutta, but replanning the entire system of industrialisation and capitalisation. I would rather say that in future we had small factories in village centres which would feed with the necessary things groups of villagers in the neighbourhood of that factory. The small factory system, if introduced into this country on a large scale, instead of going on with the multiplication of mill or the feeding of mills with tariffs, more tariffs and still more tariffs—if, instead of that, we replan the industrial life of this country according to circumstances and according to the necessities of the people, the problem of unemployment will be really and truly attacked. Sir, I believe it is the custom here and elsewhere to mention the case of the United States of America. But the United States of America has an unemployment problem. Yet it is not so largely peopled as India. It is our population problem that has got to be attacked. It is again the problem of seeing that industrial life did not smother out the villages, but that village life progressed side by side with industrial life. Sir, we want really a new economic plan and not the application of plans of other countries not comparable to our own country in various aspects of life.

Mr. B. V. Jadhav: Sir, I heartily support the Resolution moved by my Honourable friend, Mr. Joshi. The Resolution takes a very wide view. It says "to protect the workers in the country against increasing unemployment". He does not circumscribe the word "workers" to the labourers in factories only. He says unemployment is rampant among the workers of the country and he includes certainly every sort of worker, namely, the agricultural worker and other workers as well. Mr. Joshi was unfortunately opposed by Raja Bahadur Krishnamachariar, because I think these two gentlemen have been holding opposite views. Their points of view are different. Mr. Joshi is a worker among the factory labourers and he knows their difficulties and their aspirations. The Raja Bahadur is also well conversant with the difficulties of agricultural labour, but, at the same time, the Raja Bahadur is a capitalist and he views everything from a capitalist point of view.

Raja Bahadur G. Krishnamachariar: What is a capitalist?

Mr. B. V. Jadhav: The Raja Bahadur asks me what is a capitalist. I shall only say, "Man, know thyself". The Raja Bahadur himself is a capitalist.

Mr. Gaya Prasad Singh (*Muzaffarnur cum Champaran Non-Muhammadan*): He may be a wealthy man, but how is he a capitalist?

Mr. B. V. Jadhav: There is not much difference between the wealthy man and the capitalist. He is a capitalist and he has got the capitalist point of view and, therefore, the Raja Bahadur advocates that the wages should be cut down.

Raja Bahadur G. Krishnamachariar: I never said anything of the sort, because I could never maintain my agricultural labour without paying them adequate wages.

Mr. B. V. Jadhav: The Raja Bahadur is willing to pay adequate wages, but his scale of adequacy is quite different from Mr. Joshi's scale of adequacy. The point of view of Mr. Joshi is quite different from the

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point of view of the Raja Bahadur. So the Raja Bahadur will concede that an agricultural labourer should have adequate wages. But his definition of adequacy is quite different. If it is enough to keep body and soul together, perhaps that will satisfy the Raja Bahadur's conscience. But the ideal of Mr. Joshi is quite different. Mr Joshi thinks that a labourer should get such wages as would keep himself and his wife and children in comfort and also will enable him to educate his children. If the wages rise to such a scale, then, of course, the condition of the labourer will improve and, at the same time, the labourer will have a better purchasing power and other industries will also thrive. Agriculture itself will benefit from such a change in the labourer's condition. Agricultural produce will command a better price and in that way agriculture also will benefit. The principle of paying the labourer less and less is a capitalist principle, that is a capitalist point of view.

Mr. G. Morgan (Bengal: European): That is gone.

Mr. B. V. Jadhav: It has gone fortunately out of European countries, but not gone out of India. The English nation at one time held that view and, as my friend, Mr Morgan, says that principle is gone from there. It has left England no doubt, and the reason why that principle was abandoned by England was that the Labour Party there became stronger and stronger and, therefore, the Chancellor of the Exchequer could not refuse the demand for adequate wages. England has now adopted the system of the minimum standard wage. India is still cropping or still grovelling in the old capitalist ways. For instance, my Honourable friend, Mr. Modv, is not here, but the millowners in Bombay and other places are trying to reduce wages as far as possible. They say that they cannot afford to pay so much. Had they been prudent enough, had they utilised their untold wealth during the boom days in a better way, the condition of the mill industry and the condition of labour would, of course, have been different. I told the House the other day what the condition of Japanese labour was at this time. They had very good housing arrangements: the Bombay mill labourers and the mill labourers of Ahmedabad and other places have not got any housing arrangement made for them at all. The millowners have not paid any attention to that. The proper feeding of the labourers also is taken care of in Japan. The Indian employers of labour do not look to this side of the question. Therefore, the labourers of Japan are contented and are more comfortable and happy. The labourers of India are very much worse off, and we see that mill after mill is being closed and, therefore, unemployment among the labourers is increasing. Unemployment amongst the agricultural labourers also is increasing. But the reason is that some of the middlemen who desisted work find that their income has gone down considerably and therefore, unless they work in the fields they cannot get sufficient food and, therefore, more men are going to labour in the fields and there is consequent rise in unemployment. This growing unemployment among the labouring classes both agricultural and factory labour, is a great menace; and, along with this, there is unemployment among the educated classes. I need not say much about that but it is the duty of the State to see that a man who is willing to work with his hands, should not go hungry and, therefore, in England and in western countries, unemployment insurance has been started and the unemployed there can claim, as a matter of right,

some daily dole. Some such system is necessary for India, because India has got a much larger number of people who are willing to labour, but, at the same time, cannot get work. It is the duty of the State to provide work or to pay unemployment dole, and, therefore, I support this Resolution, because it calls upon the Government to find out means how to employ this large number of people. My friend, the Raja Bahadur, says that India is over-populated and, therefore, this over-population

Raja Bahadur G. Krishnamachariar: I did not say that: Mr. Joshi said that and referred to birth control: or, if not Mr. Joshi, Mr. Ranga Iyer said it.

Mr. B. V. Jadhav: I am sorry I made that statement: at any rate, the Raja Bahadur admits that there is over-population and prescribes the remedy.

Raja Bahadur G. Krishnamachariar: I do not admit anything of the sort. I just referred to the whole thing sarcastically.

Mr. B. V. Jadhav: The Raja Bahadur at all events suggested a remedy and I think it is up to the Raja Bahadur to provide funds for the propagation of that idea.

Raja Bahadur G. Krishnamachariar: But that is not true. I said I am attacking that.

Mr. B. V. Jadhav: The Raja Bahadur may be old, but he is still young enough to imbibe ideas. My friend, Mr. Amar Nath Dutt, interjected a few minutes ago, when my friend, Mr. Ranga Iyer, was speaking, and he was very curious to know about my Bill. But, as that Bill has not yet been before this Assembly, I do not think it will be right to speak about it. I whole-heartedly support the proposal of my friend, Mr. Joshi, that the hours of work should be reduced. Something of this sort is being attempted in a new Bill which is before this House, and, when it comes up for discussion, I shall have to say something about it. I agree with him also that Government ought to take some legal measures to put a limit upon the dividends that are paid in times of boom and that legislation ought also to be taken in hand to limit the profits of managing agents. The managing agency system in Bombay and in other places has been doing a great deal of real harm to the industries and, therefore, Government ought to put certain restrictions beyond which the agents and the shareholders should not profit. The capitalist is entitled to a moderate profit, but he ought not to profiteer, and it will be proper for the State to stop profiteering. For this purpose, the Indian Companies Act will have to be amended, and I urge upon Government the necessity of taking up this measure. The Indian Companies Act requires amendment very badly and Government ought not to keep this thing back. Government ought to allow a certain amount of money to be spent for doing this necessary drafting work. At the same time, I must point out that in another direction also, for instance, the insurance business also is taking away about Rs. 10 crores every year from India to foreign countries as premia and as bonuses and profits on insurance. This sort of invisible drain ought to be curtailed as much as possible and, for this purpose, the insurance law also requires to be gone into and

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revised according to the requirements of the present time. If the present insurance law be examined, it will be found that the companies registered in India have certain restrictions put upon them: they have to deposit certain amounts of money with Government and they have to submit accounts, and so on; but a Company, registered in a foreign country, is free to come here and carry on business and to spoil the business of the indigenous companies. . . .

Mr. G. Morgan: Does that cause more unemployment?

Mr. B. V. Jadhav: This state of things is not very good for the country. the country ought to care more for their own nationals than for outsiders: at all events, in fairness one may say that the outsiders should get the treatment which the nationals of the country get. I do not mean to say that the foreigners should be penalised, but at all events the foreigners ought to be treated on a footing of reciprocity and the foreigner of a particular country should get the same treatment as he gives to the nationals of this country in his own country; and, therefore, the insurance law also requires revision and I call upon the Government to make provision for expenditure on that account also. These two laws, the Indian Companies Act and the insurance law, require thorough revision very badly and therefore, this matter ought to be taken in hand very urgently. This revision of the insurance law has some bearing upon unemployment, because the persons who are employed in the canvassing of business on this side will get more and more employment under Indian companies and thus provide more employment for the people of this country.

The Honourable the Finance Member congratulates himself on the sound policy of finance that is being adopted by the Government of this country. His sole care is to balance the Budget and, in keeping to that principle, he sometimes is very ruthless. The peak of taxation has been reached and the taxpayers are now groaning under the burden, especially when their income has gone down considerably. The remedy in this case is to cut down expenditure, but Government are not willing to do it. The services of a country ought to be paid in proportion to the purse of that country. Our purse is getting emptier and emptier day by day. Our people are not able to pay taxes which are practically exacted from them. The land revenue is not paid out of the income, but it is paid out of capital or out of savings of past years. The landlords will bear testimony to that fact. This may go on for a year or two, but, if that state of affairs continues for a longer period, then it will be very difficult for Government to realise even the land revenue, and, therefore I think it is high time that Government should devise ways and means to curtail the administrative expenditure. To quote an instance from Japan. The proportion of the salary of the lowest paid officer or a clerk and the highest paid officer is very small, while in India the disparity is as much as a hundred times and in some cases it is two hundred times. The highest officer of Government gets a salary nearly 200 times as much as the salary of the lowest clerk. This is not a very good thing. The proportion in the officers' salary in Japan is very moderate, and, therefore, the same principle is followed in the factories as well as in Government offices. In the factories also a labourer gets a very decent salary

and the supervisor or jobber or the weaving master gets a little more, and the manager of the mill gets a little more, but not very high salaries, and in that way Japan has been able to organise her industry on a very sound and economic basis. In the same way, Japan has organised her services, and the proportion of salaries is much lower there. India is a very much poorer country than Japan, and, therefore, I think the scale of salaries should be very much lowered to suit our purse. If the general expenditure of the country is reduced, it will help to solve the unemployment problem to a great extent, because the taxation will have to be lowered then. Now, all Local Governments have been thinking of giving remissions in land revenue to the extent of 12 to 25 per cent. and I think that, when once that remission is given, it will have to be a permanent remission, and, therefore, a reduction in the revenues of the provinces is urgently necessary. For that very reason, the provinces will have to cut down their expenditure ruthlessly, and, the sooner they do it, the better will it be for them and for the country as a whole. Sir, I whole-heartedly support the Resolution moved by my friend, Mr. Joshi.

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till 11 O'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st January, 1934.



LEGISLATIVE ASSEMBLY.

Wednesday, 31st January, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table, the information promised in reply to part (b) of Mr. S. C. Mitra's starred question No. 1067, on the 21st November, 1933.

MARRIED LADIES EMPLOYED IN THE GOVERNMENT OF INDIA OFFICES.

*1067. 119 married ladies were employed in the Posts and Telegraphs Department and 34 in the Government of India Secretariat and Attached Offices at headquarters. Of the latter three were temporary and one was officiating.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 252 asked by Seth Haji Abdoola Haroon on the 31st August, 1933
 - (ii) the information promised in reply to starred question No. 600 asked by Mr. A. Das on the 4th September, 1933; and
 - (iii) the information promised in reply to the second part of starred question No. 1397, asked by Mr. S. G. Jog, on the 12th December, 1933.
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PAUCITY OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY .

*252. (a) Government have seen the article referred to.

(b) Government are unable to supplement the information regarding the communal composition of railway staff contained in the annual administration reports published by the Railway Board with information regarding individual offices or departments.

(c) No. The permanent Chief Medical and Health Officer is a European. During his absence on leave for 6 months in 1933 the post was held by a Hindu.

The Personal Assistant is an Anglo-Indian. During his sickness for a month in 1933, his place was taken temporarily by a Hindu.

The Office Superintendent and the three Head Clerks are Hindus.

(d) During the months of May and June 1933 which presumably are the months to which the article in the 'Pilot' of Amritsar dated the 9th July, 1933, refers, no permanent Assistant Surgeons were appointed. Two Assistant Surgeons were temporarily appointed, from the list of candidates recommended for appointment by a Selection Board, in leave vacancies for periods of 2 months and about 6 months respectively, but their temporary services have since been terminated. One of these was a Sikh and the other a Hindu.

No recruitment of outsiders for the post of Sub-Assistant Surgeons has been made. Presumably the article refers to 4 men seconded by the Inspector General of Civil Hospitals, Punjab, to replace certain Sub-Assistant Surgeons who reverted to civil duty. In respect of these men the Agent, North Western Railway, had no choice in the matter of their selection. These men had several years previous service in the Punjab Civil Medical Department.

(e) Does not arise.

(f) The Agent, North Western Railway reports that in the recruitment of medical staff for the North Western Railway steps are taken to ensure that the orders contained in paragraph 62(IV) of the Rules for the recruitment and training of subordinate staff on State-managed Railways, are complied with. Copies of these rules are in the Library of the House.

As regards the superior staff the policy laid down, viz., to reserve 33½ per cent. of the vacancies for the redress of marked communal inequalities in all fresh recruitment, is followed by Government in the case of Medical Department on the North Western Railway as well.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

*600. The Agent, East Indian Railway has reported that he is not aware of any appeals addressed to him by teachers of E. I. Railway schools not having been actually put up to him for orders and that it is understood that such a course is always necessary.

WELFARE SCHEME ON THE EAST INDIAN RAILWAY.

*1397. (a) The Agent, East Indian Railway reports that during the period 1st April, 1933, to the 30th November, 1933, the area committees at Balaman and Shahjahanpur had two sittings each while the area committees at Moradabad Bareilly and Lhaksar did not hold any meetings as they had no subjects for discussion.

(b) and (c). I lay on the table a copy of the proceedings of the meetings held by the area committees at Balaman and Shahjahanpur.

Proceedings of Area Welfare Committee meeting held at Balaman at 11-0 hours on 15th May 1933.

PRESENT.

- 1, Mr. D. L. Chaturvedi, I. O. W., Hardoi Chairman.
- 2, Mr. A. H. Shah, P. W. I., Sandila . Member.
- 3, Mr. Beni Ram, Station Master, HRI., . Member.
- 4, Mr. Mohammed Hanif, S. M. O., BLM. . Member.
- 5, Jodha Mate, P. W. I., Sitapur . . Member.

Agenda.

Divl. Supdts. Orders.

Re. *Festival Days*.—The Engineering Lower Paid Staff has grievances against the festival days counted against the rest and request that these should be treated as holidays.

The Member has been explained that this is not permissible in any other Department and as such the Engineering Staff is not entitled to it.

I see no good reason for extending the number of holidays, mentioned below, which do not count against fortnightly rest.

1 day Holy	} For Hindus.
1 day Dewali	
1 day Dasehra	
½ day Ganga Ashnan,	

*Agenda.**Divl. Supdt.'s Orders—contd.*

2. *Application of Babu Sri Ramji Srivastava re. leave without pay.*—In forwarding herewith the application (with 10 enclosures) of Babu Sri Ramji Srivastava the Committee is of opinion that the request is a genuine one and must be given due consideration There being no apparent reason to deprive the man of his dues.
- 1 day Id. }
 1 day Bakrid. } For Muham-
 1 day Moharram } dans.
2. Appeal is being sent to D. S., Allahabad for a final decision.
3. *Member of Area Welfare Committee.*—Wilayat (C. & W.) fitter at Balamau has been elected as a nominated member from the C. & W. Staff in place of Saddhoo retired from service.
3. Noted.
- B. B. Goswami, C. & W. Clerk, has been elected as a nominated member from the traffic department in place of B. F. Lakhtakia Late F. S. M. transferred from this Area.

(Sd.)

Chairman,

A. W. C. Balamau.

Proceedings of the Area Welfare Committee Meeting at Balamau at 10-40 hours on 9th August 1933.

PRESENT.

1. Mr. D. L. Chaturvedi, I. O. W., Hardoi . Chairman.
2. Mr. A. H. Shah, P. W. I., Sandila . Member.
3. Mr. Beni Ram, Station Master, Hardoi . Member.
4. Mr. Mohammed Hanif, S. M. C., Balamau Member.
5. Mr. Jodha Mate, O. W. I., Sitapur . Member.

ABSENT.

6. Mr. Wilayat, C. & W. Fitter, Balamau . Member.
7. Mr. B. B. Goswami, C. & W. Clerk, Member, Balamau.

*Agenda.**Divisional Superintendent's Order.*

1. *Re. Pallisading.*—The provision of a pallisading between the transshipment dead end Siding and the staff quarters right up to the East Cabin is very strongly recommended as its non-existence is most dangerous for the children of the staff in particular and the staff in general. This question had been moved by this Committee and the resolutions were sent on 4th April 1932 but due to single opinion of the late Station Master, Balamau (R. N. Misra) the matter had been dropped. This point had been re-raised by the present Station Master, Sub-Assistant Surgeon, Balamau and all other staff living that side.
- This is not justified.

*Agenda.**Divisional Superintendent's Order*
—contd.

2. *District Board Tax.*—There are about 185 members of the Railway staff residing at B. L. M. and it is generally felt that there is no facility for providing Education to their children. The Committee is of opinion that provision be made for a primary English School. This can be easily done combined by the Railway and the District Board as more than 75 per cent. of the staff contribute towards circumstances and property.
3. *Re. Sanitation at Balamanu.*—There is a general complaint of the staff at B. L. M. that the sanitation immediately outside the Railway Boundary is never looked after by the District Board and this leads to spread of diseases. The cultivation is so very close to the staff quarters that to expect healthy atmosphere is absolutely out of the question. The District Board Authorities be kindly moved to take necessary steps very early.
4. *Re. Sale of Meat.*—It has been widely represented by the staff at B. L. M. and supported by the Sub-Assistant Surgeon, B. L. M., that the meat supply that they get from the unlicensed unreliable butchers is injurious for the health. The staff cannot but take it as there is no proper shop near by. It is therefore recommended that a staff be provided at the station to be maintained under the supervision of the S. A. S., Balamanu.
5. *Re. Dhobi Ghat.*—The Committee requests that Dhobi Ghat be provided at Balamanu so that it could be made use of by the Dhobies who would be engaged by the staff stationed here who feel it necessary. We do however propose that the necessary tax be levied on the Dhobies taking up the work. The S/M., S. A. S., and S. P. W. I. stationed at Balamanu strongly put up this case for proposal.
6. *Re. First Aid.*—The Committee recommends that Mates under Engineering Deptt. and Fitters under Interlocking Deptt. be trained in First Aid so that they can render immediate help to the staff under them in cases of accidents. It is further suggested that Quinine Pills, Tincture Iodine and a few bandages be given to them.
- The Railway Board have decided not to start any new Railway School as this is considered to be a job of the Local Government. The District Board should be addressed.
- The District Board have been approached.
- This is not practicable.
- The provision of a Dhobi ghat is not justified at Balamanu.
- I do not think those men are of sufficient education to follow the lectures and until the Medical Dept. can find time to give separate lectures brought down to their level of understanding nothing can be done.

(Sd.)

Chairman,

A. W. C. Balamanu.

Minutes of a meeting of the Area Welfare Committee, Shahjahanpur, held on 12th November 1933.

PRESENT.

Mr. L. C. Dela Croix, Acting Chairman.

Mr. C. U. Duggan, Representative of Class I.

Mr. J. N. Shubharwal, Representative of Class VI.

Mr. Lachmi Narain, Representative of Class II.

ABSENT.

Mr. Mehar Singh, S. P. W. I. transferred.	. . .	Class VI.
Mr. Shahzad Khan, Boiler Maker, Rosa on leave	. . .	Class II.
Mr. S. A. Speechly, S. M., SPN transferred	. . .	Chairman.
Mr. Sri Nath, Eloc. Fitter transferred	. . .	Class V.

As more members were absent and only four members were present they resolved that Mr. I. C. Dela Croix to sit as Chairman, till such time the full strength of membership be obtained.

Action taken by Divisional Superintendent's Office.

2. Voting books be opened for Election of new members in place of those transferred. D. S., MB to kindly issue orders for election of new members in place of those transferred. Meeting terminated with thanks to the Chair.

2. Instructions issued to all concerned for election of new members.

(Sd.) L. C. DELA CROIX,

Acting Chairman, A. W. C.

A Meeting of Area Welfare Committee, Shahjahanpur, was held on the 17th August 1933 at 15-00 hours and the following members were present :—

1. Mr. S. A. Speechly.	. . .	Chairman.
2. C. O. Ducasse	. . .	Class I.
3. Mr. J. N. Subbarwal	. . .	Class VI.
4. Mr. Lachmi Narain	. . .	Class II.
5. Mr. Sri Nath Sharma	. . .	Class V.

ABSENT.

1. Mr. Mehar Singh	. . .	Class V.
2. Mr. Shahzad Khan	. . .	Class II.

*Minutes of Meeting.**Divisional Superintendent's Order.*

1. Application of B. Hira Lal Mirra, S. M.'s clerk, re 2 months leave was put up. It was resolved that the application be forwarded to D. S. MB for necessary action. It is a pity that the applicant has not been granted leave, although it is 32 months gone by.

The leave Register shows that this man did not apply for this leave in 1931 and 1932. His application for one month received on 13th May 1933, has been registered and his name noted. His position is 59th at present. He will be spared in turn.

2. Mr. Ducasse raised the question of uncared for dogs in the railway colony at Rosa. He explained that though the action re destroying stray dogs was taken, but of late this object has been lost sight of. It was resolved that the R. S. F and S. A. S., Rosa, may be reminded of D. S. Cir. No. 32 E. of 1932.

The circular issued as regards Moradabad should apply at Rosa and action taken accordingly.

(Sd).

Chairman, A. W. C., SPN.,
For Divisional Superintendent,
Moradabad

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Imperial Bank of India (Amendment) Bill.

The question is:

"That clause 15 stand part of the Bill."

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I beg to move:—

"That in part (b) of sub-clause (1) of clause 15 of the Bill, for the word 'sanction', occurring in the fourth line, the word 'guarantee' be substituted."

I pointed out the other day how precarious it would be for the Imperial Bank to invest its monies or to give loans or advances on the securities authorised by the Indian States. I also pointed out in my speech that the word "sanction" did not mean anything. I ask whether the Governor General in Council would be prepared to make good the losses which the Imperial Bank might suffer on these investments. If the idea was that there should be a sanctioning authority, the proper thing would have been to make that authority stand guarantee.

I wish to invite the attention of the House also to another aspect of the question. At present we have got a man with considerable banking experience as the Finance Member, but under the new constitution we do not know what sort of Finance Minister we shall have. He may be a subject of an Indian State and, in that case, it would be easy for him to advise the Governor General or his Cabinet to sanction a loan of this kind. Even if it were the Governor General, acting on the advice of his Financial Adviser, I would be the last man to support a provision of this kind; but, on the other hand, if the Governor General is to act on the advice of a Minister, who belongs to an Indian State, the meaning of this clause becomes absurd. It is, therefore, necessary, in the interests of the Imperial Bank, to see that its monies are secure when invested in the securities of the Indian States. I am strongly of opinion that the word "sanction" does not mean anything and, if monies should be invested in such securities, the proper word is "guarantee". If, instead of the words "with the guarantee", it would be more appropriate to have the words "on the guarantee", I have no objection to that alteration. With these words. I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in part (b) of sub-clause (1) of clause 15 of the Bill, for the word 'sanction', occurring in the fourth line, the word 'guarantee' be substituted."

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): I am surprised that a Member from our side should have brought forward such an amendment. He seems to care more for the interests of the shareholders of the Imperial Bank than for the interests of the general ratepayers of India.

Mr. K. P. Thampan: I care more for the interests of the shareholders of the Imperial Bank than for the interests of the Indian States.

Mr. Vidya Sagar Pandya: But the Governor General is asked to guarantee and the money is not to come from the pockets of the Governor General, but from the pockets of the ratepayers of India. As such, I do

not see why the ratepayers of India should guarantee the loans advanced by the Imperial Bank to the Indian Princes. I do not think we should be a party to such an arrangement. Sir, I oppose the amendment.

The Honourable Sir George Schuster (Finance Member): I agree with my Honourable friend who has just spoken.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in part (b) of sub-clause (1) of clause 15 of the Bill, for the word 'sanction', occurring in the fourth line, the word 'guarantee' be substituted."

The motion was negatived.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, I beg to move:

"That for part (e) of sub-clause (1) of clause 15 of the Bill, the following be substituted:

'(e) for sub-clause (1) of the same clause the following shall be substituted, namely:

'(1) fully paid debentures of companies with limited liability or immovable property situated in British India and Burma or documents of titles relating thereto.' "

I have already exhaustively dealt with this matter on a previous occasion, but I am afraid I cannot avoid some repetition of my arguments if only to reinforce my ground on this amendment. As one who comes from amongst the landholders, I feel it my duty to make a motion of this kind in order to make some little provision for the landholders under this Bill. I have stated very clearly and candidly that it is not my intention that long term loans should be given; my idea is entirely to make provision for short term loans. Again I do not want to make it obligatory on the Imperial Bank to lend this money; it is only a permissive provision. If the Imperial Bank does not think that a man is capable of repaying the money, it can refuse to lend him. This is only a permissive amendment, and I do not think that anybody can oppose it. I quite appreciate the spirit in which the Finance Member said the other day that he was going to bring in a Bill in this Session regarding debentures and trustee securities. The Finance Member also said that he would try his level best to consider very favourably any sound scheme brought forward by the Local Governments. I appreciate the idea and welcome it. I quite appreciate the spirit in which the Honourable the Finance Member spoke. The commercial and industrial community is helped, and I ask why should not the landed interest get the same privileges and facilities. It may be said that they can get money from the co-operative banks. It is quite true, but they cannot get more than Rs. 5,000 or Rs. 6,000 at a time. I have stated clearly and with all the emphasis at my command that the landlords want these loans for short terms only to get over their temporary difficulties. What happens in Bengal is this. The Government demand has to be paid within a fixed date, and if there is not sufficient time to collect the money; to whose door they would knock about? In that case, if we can get short term loans to clear off the demand, it would greatly help the landlords. If we can get Rs. 20,000 or Rs. 25,000 or Rs. 50,000 which will cover the revenue, we can pay it back in due time, within six months. At the utmost it may take five years and the total amount for all India may not go beyond Rs. 10 or Rs. 15 crores. If the Imperial Bank cannot stand this, what is the use of starting it on a Statutory basis? The landlords are a class who have got stake in the country and they have got interests in land and there is no danger in

[Mr. D. K. Lahiri Chaudhury.]

money being advanced to them. I quite appreciate the fact that the Imperial Bank must be run on a commercial basis. The Bank will always deal with liquid money. I think there will be very few cases in which the money will be outstanding after the expiry of six months and I can assure the Honourable the Finance Member to that effect. Of course, in the case of Galstaun they lent one crore of rupees which was blocked. That does not indicate that it is a bad policy. It is a bad investment. If the Bank advances money in such a precarious and peculiar way, it is to their risk. I only want this as a permissive measure and not as an obligatory measure.

Then, Sir, it was said that the Bank should be run in the interest of depositors. The money that the Bank receives is derived from the revenues of the country, and who pays this revenue? It is the landlord that pays the revenue. So the landlords may be said to be depositors through the Government. I don't want the money for long terms. I only want that the money should be advanced for short terms. I hope you will excuse me, Mr. President, if I repeat this argument in order to emphasize it. I hope the Honourable Members will look at this amendment with sympathy. Suppose a landlord engages himself in a business and wants to buy some shares which certainly will bring him a profit if they are sold after a few months. He ought to get facilities for getting this money from the bank, so that he can return the money in due time, after he has sold them on better prices. Then, there is one other aspect of this. In many cases landlords are in temporary difficulties. I ask my landlord friends in this House whether they can deny this statement. There are occasions when they need liquid money. If they go to the *sahukar*, he will charge them higher rates of interest which the landlords cannot pay, but, if they can get it at a lower rate of interest, they can keep their credit with the Government. Sir, I move this amendment and I trust that the Honourable the Finance Member will give a sympathetic reply.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for part (c) of sub-clause (I) of clause 15 of the Bill, the following be substituted:

'(c) for sub-clause (i) of the same clause the following shall be substituted, namely:

'(ii) fully paid debentures of companies with limited liability or immovable property situated in British India and Burma or documents of titles relating thereto.' "

Sardar G. N. Mujumdar (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I heartily support the amendment moved by my friend, Mr. Lahiri Chaudhury. You probably know that the village uplift movement had been started by the late Governor of Bombay, His Excellency Sir Frederick Sykes. His Excellency called many meetings at which agriculturists, district and taluka local board representatives, sardars and inamdars, landholders, patels and other people were called, and they were advised to take an interest in village welfare. Books of speeches of His Excellency and the suggestions from other people were printed and they were distributed to all those people. So, many things have been told therein with a view to improving the condition of the villagers and farmers. But the pecuniary condition of the villagers is not taken into consideration therein. Most of the villagers are farmers or agriculturists and most of them are indebted. Their indebtedness is not taken into consideration. No scheme has been

started or suggested by which this indebtedness could be lessened. The villager has been asked to do so many things—to use a cot, to have a gramophone, to have good clothes, spacious and clean houses, fresh air and good sunshine, and so on, but the real necessity for him to do so many things is money which he is greatly in want of.

Sir, if the agriculturist is given a loan on the security of his land at a very low rate of interest, then his condition will be bettered. Sir, I know landlords also are concerned in this. The good condition of the landholders is dependent upon the welfare of their tenants: the happiness of the one is dependent on the prosperity of the other. Sir, *tukavi* advances are made to tenants and agriculturists, but they do not help to ameliorate their poor condition, as is expected by the Government. There may be many other reasons for this, but the fact is there. The pecuniary condition of the tenants and of the landholders, on account of the depression all over the world, is very pitiable. Under these circumstances if the landlords and also the tenants are helped by giving them loans for a short time at a low rate of interest, on the security of their lands, the real purpose of helping the agriculturists and landholders will be served. Sir, with these words, I support the amendment brought forward by my friend, Mr. Lahiri Chaudhury.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, there are certain circumstances which I submit ought to be remembered by this House in connection with the request made by my friend, Mr. Lahiri Chaudhury. My friend, Mr. Vidya Sagar Pandya, I am afraid, if I say something fully in support of this amendment, will come down upon me and will say that he is very sorry that I should come forward and support this amendment wholesale.

Mr. Vidya Sagar Pandya: You are quite safe. I won't attack you.

Raja Bahadur G. Krishnamachariar: Very well, one fear of mine has been removed, but the difficulty is this. I am not talking of my friend, Mr. Lahiri Chaudhury, but landholders have an incurable habit of not repaying their loans in time. The difficulty is that the land-holding class, having borrowed, say, Rs. 50,000 for an urgent need, does not afterwards think of repaying it when he gets Rs. 10 lakhs at the end of the year. It is not their fault. When you know you are getting an income of Rs. 10 lakhs, you have Rs. 10½ lakhs of expenditure to meet, all very urgent expenditure, and you cannot pay to the Bank. As for the Bank, well, they take interest, and, as my friend, Mr. Lahiri Chaudhury, said: "After all, if I don't pay, file a suit. You go to the High Court and if it is a sufficiently big matter, you go to the Privy Council, and this will take ten years". The High Court will take five years and the Privy Council another five years. And, Sir, my friend, Mr. Lahiri Chaudhury, is not the only man who wants a loan. I want a loan also. Everyone of the landlords unfortunately—I do not know why—is in such a chronic want of money that if anybody is prepared to give a loan, he is quite prepared to take it. I do not care whether it is going to be repaid or not. I have got lawyers, I know the defence, there is section 18 of the Contract Act or section 45 of the Partnership Act, and then there is the joint family system. My son says: "I do not care what my father did; I am not bound by these transactions". Then, what is the poor Bank to do? Mr. Lahiri Chaudhury wants a loan, lots of other landholders want a loan and the Sardar Sahib wants a loan, and the whole thing comes to Rs. two crores, held up for five years or ten years. Where is the money? My friend eloquently asked: "If you cannot lend me Rs. two cores every year," . . .

Mr. D. K. Lahiri Chaudhury: I did not say that. I simply said that Rs. 40 crores were advanced on the Government security out of which about Rs. 10 crores or 15 crores always remained unrealised. If that amount is invested on land, I think there is no harm. That is my point.

Raja Bahadur G. Krishnamachariar: It is simply a matter of arithmetic. We shall take it for granted that every year there is a demand from landlords for advances of Rs. two crores, and I will take it for granted that 75 per cent. of that is not coming back within six or nine months.

Mr. D. K. Lahiri Chaudhury: It is only a guess!

Raja Bahadur G. Krishnamachariar: No, that is a fact. I have not lived in ruin all these years, and I make the statement absolutely without any fear of contradiction that nine-tenths do not pay, simply because they cannot pay. There are the Indian Law Reports which are replete with scores of such cases in which the father and the joint family and all that sort of thing are involved. I have had something to do with it both as a litigant and as a lawyer. Therefore, I know exactly what I am talking about. The difficulty is, how is the Imperial Bank, which has got its duty towards the depositors to discharge, every time that it has got to lend this money, to do it? It has got to go to Court, establish a Legal Department, pay Vakils and incur all this trouble. That is the position that will come when they lend money upon the direct security of immovable property. But I do not oppose this amendment in its fullest sense, because I shall also be benefited by it. I put it, however, to my friend in this way. I said on the last occasion in connection with another amendment or in the course of the debate on the consideration of the Bill what the Imperial Bank did, for instance, in the Madras Presidency. They accept your produce, they lock it up and upon that they give an advance of money. There is another way, I think, by which this could be done and that is that, if all these landlords open some account, I think the Bank will allow them an overdraft taking the land as collateral security, for which there is already a provision in the Imperial Bank Act. What I am concerned with is not that the Bank should not lend the money: I want to knock out as much as I can out of them, but the thing is that there is another party which has no voice in this House and that is the depositors. Owing to the credit of the Bank, they think their money is safe. My friend, Mr. Lahiri Chaudhury, would give them the chance of lending two crores of rupees upon a security which is quite gild-edged so far as I am concerned, but, so far as the Bank is concerned, it will put them in an awkward difficulty. Therefore, I submit that while it is not possible, upon the principles on which a commercial bank is conducted, to ask them to lend upon immovable property—and my friend, Mr. Vidya Sagur Pandya, said the other day that, as a banker, he would never do it because he has his duty towards his depositors, and I venture to submit that it is not difficult to devise means by which all these objections could be met. And the landlords may also be favoured with short loan advances, because times are very hard. We cannot get money anywhere and the *sahukar*, who has always done a very good turn to the community, is being abused, because he takes advantage of his position and wants to get more interest if he possibly can. Consequently, while on the one hand I quite appreciate the difficulties of the Bank, I also appreciate my own difficulty which is more than that of the Bank.

Therefore, I submit that some way must be devised by these gentlemen in the Bank by which this difficulty could be met. That is all I wish to submit on this amendment.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I feel I ought to say something with regard to this amendment. I do not pretend to understand banking, though, like others, I have had to deal with banks to some extent, but I must say I was very much impressed by the speech of Mr. Pandya who has an intimate connection with banks and who, if anybody, ought to know very well what the banks ought to do or ought not to do. There can be no doubt at the same time that the country needs Land Mortgage Banks all over India. Not only the landlords, who are much better off than the tenants, but the tenants, the agriculturists, the real cultivators, require help from time to time to tide over difficulties. I was not present in the House when Sir George Schuster made his speech, but I find from the newspapers that he has made a promise that Land Mortgage Banks will be established in India. I should very much welcome a project like that if it is sponsored and pressed by the Government of India. I would prefer that to amending the Bill in the manner suggested by my friend, Mr. Lahiri Chaudhury. But I am told that the promise made by the Honourable the Finance Member was not unconditional; it was conditional and tentative. Sir, I should like to have on this point a definite assurance that the Government of India do contemplate establishing Land Mortgage Banks in the country. If he can give us that definite assurance, I, on my part, should be inclined to waive any amendment to this Bill as has been proposed. There can be no doubt that the agriculturists in some parts of India are heavily indebted, and in many parts they are insolvent. I should think, so far as I understand it, that Land Mortgage Banks, with the aid of the co-operative credit societies, would be able to relieve the situation a great deal. If that be possible, I should prefer it to hampering the operation of the Imperial Bank of India by obliging them directly or indirectly to lend money on landed interests. The former would be a far more efficacious method than amending the Bill in this way. That is all I wished to say.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I agree with some of the proposals made by the Leader of the Independent Party. The Imperial Bank, as at present constituted, ought not to be allowed to give loans directly on the security of landed property, because it will be tantamount to locking up capital for a long time and thus jeopardise the deposits that have been kept with the Bank by thousands of people, big and small. The condition of the landlord class is not a very good one as has been testified to by the members of that class and some help ought to be available for them. The best remedy, as has been suggested by the Leader of the Independent Party, is to start Land Mortgage Banks, but I do not think that it would be very good on the part of Government to start such Banks. Government ought not to carry on banking business in land mortgage. Government may encourage and may give help by passing suitable legislation and in other ways but Government by themselves ought not to take any part in the starting of these Banks. The landlord class is a very influential class and, if they take it into their heads to float such a Bank, I do not think it would be quite impossible for them to raise a decent sum of money, and in that way they will be able to help their class. I have seen landholders of Sind starting a co-operative bank for the advantage of their own class. In the

[Mr. B. V. Jadhav.]:

same way, the landlords of the different provinces may start Land Mortgage Banks either under the Co operative Societies Act or under the Indian Companies Act and help themselves. It is said that God helps those who help themselves. So, if the landholders come forward to help themselves, I am quite sure other parties also will not lag behind in offering a helping hand. At the same time, I would like to say a few words about the cry for the Land Mortgage Banks in relieving the indebtedness of the ryots.

Mr. President (The Honourable Sir Shanmukham Chetty): The discussion, it appears to the Chair, is being switched on to a much wider issue, namely, the desirability of establishing Land Mortgage Banks and making provision for long term loans to agriculturists. That is not the issue before the House. It is a very much narrower one, whether the Imperial Bank can be authorised to lend money on the security of immovable property. The Chair just allowed a passing reference to the need for the establishment of Land Mortgage Banks, but it cannot allow the discussion to take such a wide field.

Mr. B. V. Jadhav: I have no desire to take the time of the House, but I wish to say, Sir, that the liberty to the Imperial Bank to accept landed property as collateral security is quite enough, and there should not be any burden placed on the Imperial Bank to accept the mortgages on land for security.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, this question has been raised and discussed in this House on several occasions and what we on this side wanted to know was what objection the Government had for a permissive clause like this. Referring to the old Act, Schedule I, we find a provision authorising "the Bank to carry on and transact the several kinds of business hereinafter specified" and then the details are given. By this amendment, my Honourable friend, Mr. Lahiri Chaudhuri, wants that the Bank should be authorised to carry on these transactions if they thought right and proper to do so. My Honourable friend, the Raja Bahadur, says that there will be a demand for two crores as if the Bank is bound to give these two crores on the mortgage of landed property if any demand is made. The Board of Directors will always have discretion whether to grant this loan or not. If they think it is risky or that it will encumber the Bank in lending money on land mortgage, certainly they should refuse to do so. What I want to know, and I ask again the Honourable the Finance Member is to explain what objection Government can have to a permissive provision in this clause giving discretionary powers to the Bank to carry on the business of lending money on mortgage of landed property. In the present sub-clause (vi) of Part I of Schedule I, it is provided "documents of title relating thereto as collateral security only where the original security is one of those specified in sub-clauses (i) to (iv), etc.". So, even in the present Act, there is provision to take collateral security of immovable property when it comes under either of the four sub-clauses. Yesterday I was referring to the authority of my Honourable friend, Mr. Pandya, but I find that, in the notes to the clauses by the Joint Committee, it is made clear how there is abuse of that right under sub-clause (vi):

"*Clause 11.*—We considered a suggestion that the Imperial Bank of India should be authorised to make direct advances against immovable property. In support of this

suggestion it was pointed out to us that at present the Bank was in the habit of making advances upon the security of immovable property as collateral and that in certain cases these advances are allowed to become in effect advances on the security of immovable property. We consider that it should not be the business of the Imperial Bank to make advances on the security of immovable property as such a practice might involve locking up its funds in a manner inconsistent with its functions and liabilities as a deposit Bank. We do not therefore accept the suggestion to enlarge the powers of the Bank in this respect. If, however, this principle is accepted then it must be consistently observed not only in the letter but in the spirit."

Because there was enough evidence to show that this provision is not observed in spirit and in an indirect way, the Bank is lending money on collateral security of immovable property. The report proceeds:

"We should consider it an abuse of this principle if the Bank were in any case to make advances which although they might nominally be made within the limits laid down and on approved securities were nevertheless really made not on such justification but in reliance on the possibility of taking charges on immovable property as collateral."

The only suggestion in this note is that there will be a liaison officer who would see to this. But there is nothing in the Bill itself to provide against this abuse. So, in this motion, my Honourable friend only wants that the Imperial Bank in future may be authorised, providing for all the considerations that have been advanced by the Raja Bahadur and other persons who speak in the interests of the depositors, to have the discretion to exercise those powers which they are now frequently doing indirectly. It is merely a permissive clause and I think we should have some confidence in the Directorate of the Imperial Bank and not only in ourselves. With these words, I support the motion.

The Honourable Sir George Schuster: I think there has been a good deal of misconception during the course of this discussion and the earlier discussion as to what the actual position is and what is the exact object of this amendment. My Honourable friend who moved it was very plausible. He said: "I do not want to put the Bank into the position of locking up a large amount of its funds in long term advances against real property". He said: "I am only speaking for the class of financially sound landlords who, at certain periods of the year, have needs for money which they can easily repay in a few months time," and he said, it is only reasonable that the Imperial Bank should give facilities of that kind, and he asked why, if the Imperial Bank is not in a position to do that, it should be given the privileges of what he called being a Statutory Bank. Now, Sir, I want just to deal with the last point first. He talks about the privileges of being a Statutory Bank. I venture to suggest that if anyone reads through the Imperial Bank Act and the amending Bill now before the House, he will come to the conclusion that the position of being a Bank created by these Statutes is not one of privilege, but one of restrictions. The main object of making the Imperial Bank a Bank which is dependent on a particular Act of the Legislature is not to give it greater privileges, but to put it under greater control. It is not a question of privilege, but it is a question of restrictions which are considered necessary in the public interests. Therefore, that question of my Honourable friend is, I venture to put it to him, a somewhat misleading one. Then, as regards his object, I think my Honourable friend has only had to listen to the several speeches that have been made today to find support for the objections which I have to raise. I told him the other day, when he was talking on the general motion, that whatever he might say as to his own particular needs, there could be no doubt that this sort of amendment was.

[Sir George Schuster.]

being moved in order to make it possible for the Imperial Bank to act in fact as a Land Mortgage Bank and to give advances, not merely in those special cases which he has in mind, but to give advances generally to villagers, as my Honourable friend, Sardar Mujumdar, has said, to the villagers on the security of their land with the idea that those advances may not be called in very quickly. Now, Sir, I have no quarrel with that particular object and I shall have something to say about it later on, but my point is that an object of that kind is not consistent with the business of the Imperial Bank. Now, in order to clear up misconceptions, I want to explain very shortly to the House what the position is at present. I want to put it to my Honourable friend who moved this amendment that any landlord, who is in a sound financial position and the owner of unencumbered lands, will not find it difficult to get the sort of accommodation which my Honourable friend spoke about. The Bank has various powers of sub-clauses (v) and (vi) of Part I (a) of Schedule I is to open facilities of that kind. A landlord, it is true, has got to get another good name behind him, but, if he is in a sound position only requiring temporary accommodation, he surely ought to be able to do that, and with one good name and real property as collateral security he can get accommodation from the Bank. Then, again, for reasonable amounts, if he is in a sound position he can get help from the Bank in the nature of an over-draft. There, I would refer my Honourable friend to section 31 (1) (a) of the original Act which says:

"The Central Board shall, with the previous approval of the Governor General in Council make bye-laws consistent with this Act regulating the following matters, namely :

(a) the maximum amounts which may be advanced or lent to, or for which bills may be discounted for, any individual or partnership, without the security mentioned in sub-clauses (i) to (iv) of clause (a) of Part I of Schedule I, the conditions under which advances may be made on the said security and the extent of the sums to which accounts may be overdrawn without security."

Now, it is possible to obtain reasonable accommodation by way of overdraft for the short purposes that my Honourable friend has in mind. I do not wish now to go into the details of the matter, but I have inquired into it and I am assured that the Imperial Bank does give reasonable accommodation for short term in that way. Therefore, my point is that when my Honourable friend supports his amendment on the arguments which he used, he has really, I think, somewhat confused the position and confused the House. The sort of accommodation which a sound landlord required in the terms used by my Honourable friend can really be obtained at present from the Imperial Bank.

I come now to the other part of the case with which I must deal and which I maintain is what is really the object behind the minds of those who supported this amendment. They do wish to provide machinery which will deal with the needs of landlords and possibly villagers, as my Honourable friend, Sardar Mujumdar, has said, the needs which they have at present of raising money at low rates of interest. As I said the other day, we are quite prepared to recognise that in the circumstances which have been set up as a result of the present depression, certain needs may have come into existence which cannot be dealt with by any of the existing machinery. We are perfectly prepared to go into that matter: in fact, we are devoting a very great deal of attention to

it. I was interested and rather struck by the fact of the intervention of my Honourable friend, the Leader of the Opposition. He, as an experienced political hand, suddenly came into this discussion. As he himself said, he understands nothing about banking, but he must have said to himself: "Here is an amendment which the Government do not want to accept, for which there is apparently a good deal of support in the House; the Government Member has shown a certain amount of sympathy with the objects; I am not quite sure whether I could support this amendment, but I do see some chance of using this occasion for getting an assurance out of Government". I think my Honourable friend thus took a very practical view of the situation. He has definitely asked me for a promise. What I said the other day was this: that we do recognise that there may be new needs in the present conditions: we quite recognise the possibility that the landlords in particular have got into a very difficult position as a result of the fall in prices and that it may be that they need special credit facilities. It may be that those credit facilities could be supplied by the establishment of Land Mortgage Banks. We think that if anything is to be done on those lines, it must be initiated by the Provincial Governments. We do not believe that we could move from the Central Government, and set up a Central Land Mortgage Bank for India which would meet the needs of the case. Conditions all over India are very different conditions under which money may be required, conditions under which land is held and the nature of the security which can be given. If anything is to be done on those lines, we feel, after very careful consideration, that it must be initiated by the Provincial Governments and that each Province must come forward with proposals suited to its own local needs. Starting from that position, I said that if Provincial Governments come to us with sound schemes for starting Land Mortgage Banks, we are perfectly prepared on our side to go into the matter, and if any sort of action by the Central Government is necessary, even if that action might in certain cases have to take the form of giving some sort of financial backing, we are quite prepared to consider the matter. (Cheers.) That is our position.

Sir Abdur Rahim: May I put one question? Cannot the Government of India make the suggestion to the Local Governments that there is need for Land Mortgage Banks in the Provinces and that they would consider any suggestions made by them favourably?

The Honourable Sir George Schuster: That, in fact, not officially, but in other ways, we have already done, and I may tell my Honourable friend that it is probable that we shall be arranging, in the next month or two, a joint discussion of the whole position with representatives of Local Governments. My Honourable friend has been in a Province: he knows the Provincial Government's point of view and he probably knows that the Central Government has to be very careful in making suggestions on matters which concern Provincial Governments. We have to be very tactful in these matters. What we have done at present is to say that we are very interested in it, that we are anxious to discuss it, that we think it would be a very good thing if representatives of the Provincial Governments exchange views together on this whole subject, and that we are anxious to help if any sound line can be devised which will have, in our view, a beneficial effect on the situation. My Honourable friend

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can perhaps influence people in his own Province, and other Honourable Members can influence people in other Provinces. We on this side are only too anxious to have this matter fully studied and to take any action which is sound and which is likely to lead to good results. It is a very difficult position to deal with, and I should be the last to wish to convey any impression that we think that there is available any wonderful expedient which is going to transform the situation. Whatever can be done is a matter of difficulty, and one has only to study the experience of institutions of this kind which have been set up in other countries to realise how great the difficulties are. On the other hand, that does not mean that the matter should not be studied; and if anything can be done which will give new hope to people who are in difficulties at present, with some chance of that hope being realised, it is worth doing. That is our position and, in view of that, I can only repeat what I have already said, that the whole of that subject and the whole of those needs lie outside the scope of the present measure, which is entirely concerned with one thing and one thing alone, to ensure that the Imperial Bank shall be carried on on lines which will preserve its solvency and, subject to that, to remove all unnecessary restrictions which it was necessary to impose in the past and which will no longer be necessary when the Reserve Bank is set up and takes over the great part or practically the whole of the public functions of the Imperial Bank. That is the object of this measure, and, when my Honourable friend, Mr. Mitra, asks why it is necessary for us to object to giving powers which are merely discretionary, my answer to him is that if he carries that argument further to its logical conclusion, there would be no need for having this Act at all. We want in certain matters to limit the discretion of the Imperial Bank. That is the deliberate object of this legislation; and this is one of the matters on which we think it wise, in the interests of the solvency of the Bank, to limit the discretion of its Board. Sir, on these grounds, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That for part (e) of sub clause (1) of clause 15 of the Bill, the following be substituted:

'(e) for sub clause (1) of the same clause the following shall be substituted, namely:

'(1) fully paid debentures of companies with limited liability or immovable property situated in British India and Burma or documents of titles relating thereto.' "

The motion was negatived

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I beg to move:

"That for part (g) of sub clause (1) of clause 15 of the Bill, the following be substituted:

'(g) for clause (p) the following clause shall be substituted, namely:

'(p) the subsidizing from time to time of the Imperial Bank of India employees' pension and guarantee fund with which the various pension, gratuity and guarantee funds of the Presidency Banks shall be amalgamated.' "

The object of my amendment is to point out that there are now too many funds in different Provinces. In the original section, mention is made of only one fund, and my object is to suggest that in this fund should be incorporated all the other funds like the Officers' Pension and Guarantee Fund, Gratuity Fund and other funds of the employees of the Imperial Bank of India. There are nearly five funds. There is the Bank of Bombay Officers' Pension and Guarantee Fund, there is the Bank of Madras Pension and Gratuity Fund, there is the Bank of Madras Officers' Provident and Mutual Guarantee Fund, there is the Bank of Bengal Officers' Pension Fund, and there is also the Bank of Bengal Guarantee Fund. I want that all these funds should be consolidated into one fund and they should all be subsidized as a whole from time to time. It makes the matter very complex when you have so many different kinds of funds. I may point out that in the case of the Pension Fund, the Indian staff is put to a very considerable loss, because the Indian staff subscribes to this fund as do the other staff, but the Governors of the Bank are self-appointed Governors of these funds, and, therefore, although a monthly subscription is raised or deduction is made from the pay of the small employees of the Bank as well, still, these small employees have absolutely no voice. Everything is left to the sweet will and pleasure of one and one man alone who can decide matters in any way he likes, so far as gratuities, pensions and other things are concerned. Therefore, my only object is that, in place of the present clause, the clause I have proposed should be inserted, because it will be of great benefit not only to the Indian staff, but to the non-Indian staff as well.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for part (q) of sub-clause (1) of clause 15 of the Bill, the following be substituted:

'(q) for clause (p), the following clause shall be substituted,' namely:

'(p) the subsidizing from time to time of the Imperial Bank of India employees' pension and guarantee fund with which the various pension, gratuity and guarantee funds of the Presidency Banks shall be amalgamated'."

Mr. S. C. Mitra: Sir, I support the motion of my friend, Mr. Azhar Ali. He suggests that the different funds of the Imperial Bank should be amalgamated into one fund, so that there may be no difference between officers high and low of the Bank. I find that the main contention of the Indian officers is that they are not properly treated. The Bank of Bengal Officers' Pension Fund is, like the other pension funds, built out of the Bank's profits, and there is no reason why the funds should be depleted by big bonuses to individuals. Referring to some of the representations, I find that Sir Norcot Warren has drawn Rs. 2,22,000, Sir Sydney Sitwell Rs. 1,25,000, Mr. C. M. Tallack Rs. 48,000 and Mr. D. S. McClure Rs. 72,000 on account of special bonuses. Such large bonuses were granted to European officers and thus the old Bank of Bengal Pension Funds were depleted. I have in my hands a list which gives the names of Europeans who were given bonuses and pensions from which it will be seen that in a systematic way more than Rs. 10 lakhs have been paid out of the Bank of Bengal Pension Funds. I understand that there was a promise that, in creating the Pension Funds for the Imperial Bank officers, they would not be asked to contribute anything from their salaries, but now the Indian officers are required to pay five per cent. of their salaries. That is also one of the grievances. The trustees of the Pension Fund are the Governors of the Central Board and the trustees of

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the Provident Fund are also the Governors of the Central Board and three nominated members. The forfeiture account of the Provident Fund provides a startling commentary on the management of the Provident Fund by these self-appointed trustees. These trustees make and unmake rules without caring to obtain the opinion of the subscribers. They are always guided by their own rules. For example, Mr. Blackman had to retire on medical grounds after some eight years' service and he was granted an invalid pension. Messrs. Bibhuti Bhusan Chatterjee and Amalabinode Ghose had to retire on medical grounds. Both put in more than ten years' service and, though invalidated by the Bank's Medical Officer, were not granted invalid pensions. There are similar other grievances. There are so many trust funds, but there are no uniform rules; and, the trustees being the Governors themselves, the complaint of the Indian staff is that they suffer due to discrimination. What is proposed is to have one consolidated Pension Fund for all the different grades of officers and clerks and to have uniform rules which will be applied to all. On these grounds, I support the motion of my Honourable friend.

Mr. J. B. Taylor (Government of India: Nominated Official): There seems to be a certain amount of misconception about the object of this amendment. The provision in the amending Bill is a perfectly simple one and has arisen as follows. There are rules for the payment of bonuses and gratuities to the staff of the Bank. The Bank was amalgamated out of the three Presidency Banks. The officers of those Presidency Banks had naturally their own separate rules subject to a certain amount of elasticity for the payment of pension and superannuation gratuities, bonuses, and so on. As a security to the officers that the Banks would continue to make those payments, funds were created which were filled from time to time by a contribution from the Banks calculated on an actuarial basis, and as a security to the officers the funds were vested in trustees. When the Imperial Bank was formed by amalgamation from the three Presidency Banks, under section 6 of the Imperial Bank of India Act, the rights of the officers of the old Presidency Banks were statutorily safeguarded and their rights included not only the right to their pensions and so on, but also what I may call the charge over those funds. The funds are not the property of the officers; any residuum will revert to the Imperial Bank afterwards, but the funds are a guarantee or a security to the officers that they will get their pensions. The funds naturally have to be filled up from time to time by contributions calculated on an actuarial basis and the Imperial Bank was doubtful whether they were statutorily empowered to go on making contributions to those Presidency Bank Pension Funds. Personally, I am somewhat doubtful whether the amendment in the Bill was necessary. It seems to me that the legal obligation on the Imperial Bank to continue the rights of the officers did involve payment to those funds, but they wanted the matter to be cleared up without the possibility of legal doubt and, therefore, we have inserted this amendment in the amending Bill to make the matter quite clear. What Mr. Azhar Ali and Mr. Mitra were discussing is a totally different matter, that is to say, the actual payments, which are made in the way of bonuses, gratuity, pension, and so on, to the officers and staff of the Bank on retirement. As regards the ordinary staff that is covered by rules, there are exceptional cases of hardship no doubt, which are not so covered, and which are tested on their merits; but, as regards the higher officers the amount of bonuses, pensions, and so on, are voted by the

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Board and that is a discretion which is entirely unaffected by the question whether or not the Bank does or does not make payment to these particular funds. From that point of view, therefore, the objections urged by those two Members are really not in point at all and would not be affected whether their amendment was passed or not. The provision in the Bill, as I said, is for a perfectly simple purpose, to enable the Bank to carry out the legal obligation imposed upon it by the Imperial Bank of India Act, and for that reason I must ask the House to oppose this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That for part (g) of sub-clause (1) of clause 15 of the Bill, the following be substituted:

'(g) for clause (p) the following clause shall be substituted, namely:

'(p) the subsidizing from time to time of the Imperial Bank of India employees' pension and guarantee fund with which the various pension, gratuity and guarantee funds of the Presidency Banks shall be amalgamated'."

The motion was negatived.

Clause 15 was added to the Bill.

Clauses 16 to 26, both inclusive, were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 27 stand part of the Bill."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Before I move my amendment formally, I have certain difficulty in understanding Regulation 39 (3) of the original Act. Regulation 39 (3) reads as follows:

"No two persons, who are partners of the same mercantile firm, or are Directors of the same private company, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as members of the Central Board or a Local Board or of the Central Board and a Local Board, at the same time."

Really I do not understand exactly the sense of the repetition of the words "Central Board or a Local Board" in the original Act.

The Honourable Sir George Schuster: May I point out to my Honourable friend, that was the reason why we proposed this amendment in order to remove my Honourable friend's difficulty in understanding the original clause.

Dr. Ziauddin Ahmad: May I know, was it a mere mistake of print that the words were repeated or was there some ambiguity about it, on account of which this amendment is proposed? That is a point which is not quite clear to me. I do not know what the intention of the amendment is. What I want to emphasise by my amendment is that two persons of the qualification mentioned in the section ought not to be members at the same time of the Local Board, the same or different, nor of the Central Board. I request the Finance Member to explain the original clause and the scope of the amendment which is now before us. With this explanation, I move my amendment:

"That part (c) of clause 27 of the Bill be omitted."

I may withdraw it after hearing the Finance Member.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That part (c) of clause 27 of the Bill be omitted."

Mr. Vidya Sagar Pandya: The main point which we wish to understand is whether two partners of the same firm will be allowed to be on the Central Board as well as the Local Board or on two Local Boards at the same time. If that intention still remains by omitting the words, I do not think my Honourable friend, Dr. Ziauddin Ahmad, will press his amendment. The main point to be cleared is whether the Honourable the Finance Member can give us an assurance that under the amendment two partners of the same firm will not be at the same time Directors of the Central Board and a Local Board and, at the same time, of two Local Boards.

The Honourable Sir George Schuster: The object of the amendment was to make the position clear. It is not quite clear in the original clause. The conclusions that the Joint Select Committee reached was that it would be sufficient if we provided that two members of the same firm should not be members of the same Local Board at the same time. You can have two members of the same firm, or connected in the way covered by this clause, one of whom is a member of the Local Board of Madras and another of whom is a member of the Local Board of Calcutta, and if one of those two happens to be a Chairman of the Local Board, then he will automatically become a member of the Central Board. In that case you might have Member A, a Chairman of the Local Board of Calcutta and, therefore, a member of the Central Board, and Member B still remaining a member of the Local Board in Madras. That is a reasonable position. If you say that the only restriction that you want is that there should not be two members of the same firm on the same Local Board, then, if that satisfies us, we ought not to go further than that and say that as long as there are two members of the same firm who are on different Local Boards, neither of those two may ever get on to the Central Board. The position is perfectly clear. The words express it clearly and the intention was clearly understood by the Select Committee.

Dr. Ziauddin Ahmad: After this explanation, I press my amendment, because in that case two partners may become members of the Central Board, one coming from one Local Board and another coming from another Local Board and that is really against the provisions of the amendment.....

Mr. President (The Honourable Sir Shanmukham Chetty): Two partners of a firm cannot under any circumstances, according to the amendment in the Bill, be members of the Central Board at the same time. That is perfectly clear. They also cannot, at the same time, be members of one Local Board, but on two Local Boards they can be members.

Dr. Ziauddin Ahmad: This is against the provision of the Act. I press my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That part (c) of clause 27 of the Bill be omitted."

The motion was negatived.

Clauses 27 to 32 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 33 stand part of the Bill."

Mr. Muhammad Azhar Ali: Sir, I move:

"That in clause 33 of the Bill, after the words 'officers or servants' the words 'in accordance with the Government Fundamental Rules' be inserted."

The object of my amendment is that the benefits of the Fundamental Rules of the Government should be given to all employees, whether they be Indians, Europeans or small officials of the Bank. These Fundamental Rules have been framed by high Government officials for guidance and not for their own benefit only. Why should they not be applied to smaller officers? I want that these Fundamental Rules which have been framed after very great experience and very great consideration, should be given effect to in the case of the Bank officials also. Sir, I move.

Mr. President (The Honourable Sir Shannukham Chetty): Amendment moved:

"That in clause 33 of the Bill, after the words 'officers or servants' the words 'in accordance with the Government Fundamental Rules' be inserted."

Mr. S. C. Mitra: I support the motion moved by my friend, Mr. Azhar Ali. What he wants is that there should be one uniform rule for all the officers including the clerical staff in the Imperial Bank. It is well known that the Imperial Bank at present makes great discrimination about the leave rules, between European officers and Indian clerks and what we demand is that the rules should be uniform and should be based on the Civil Service Regulations, leaving no room for discrimination between the white skinned and the brown skinned men. The Indian demand is for provision of a uniform set of leave rules for all grades of the staff on the lines of the existing Leave Rules relating to the Staff Officers of the Bank or of the C. S. R. It has been the subject of repeated petitions made from time to time. The Indian clerical staff have never pressed for furlough. What they insist on is that in respect of privilege leave and sick leave there should be no discrimination between the officer and the clerk. In the absence of a leave reserve, the clerical staff are being deprived of even the small mercies the authorities have provided for them. In the case of the officers of the Bank, about 20 per cent. of the cadre is maintained as leave reserve, but owing to the systematic reduction in the strength of the clerical staff for the last few years, notwithstanding the steady increase in work, clerks cannot get leave even when required and in many cases they have had to leave the service altogether.

I think it will be admitted by the Imperial Bank authorities that there is one set of rules for the officers and another set for the Indian staff. We propose that in future there should be no discrimination at least between the sick or invalid, because of their difference in colour.

Mr. J. B. Taylor: I have some difficulty in understanding how the two gentlemen, who have spoken in favour of this amendment, can read their remarks into it. The provision in the Bill is a perfectly simple one: to grant gratuities or other financial assistance, either temporary or permanent, to widows, children or other dependants of deceased officers or servants.

That, Sir, in the case of Government is not governed by the Fundamental Rules. In fact it is not governed by any rules at all and is obviously a matter which cannot be governed by rules. There are rules for leave, pension, and so on, applying in ordinary circumstances, but this particular provision is to enable the Bank to deal with hard cases. In the case of Government, we have a small fund which is administered by trustees who

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make special grants to the families of people who die in service in particularly necessitous circumstances and this is merely to enable the Bank to act in the same way. The matter arose, because of one or two very hard cases. There was a treasurer or a senior Indian officer in Karachi who died suddenly on the eve of retirement. Under the rules, his family could get nothing, and the Bank, under the law as it then stood, felt itself precluded from making any grant or assistance to his family and they had to ask for subscriptions from individual officers. They felt, and quite reasonably, that that was an unsatisfactory position and, therefore, desired to give themselves the legal power to make grants in such cases. As I said, not only do the Fundamental Rules not apply to similar cases under Government, but there are no Government rules which apply. With the wider question, I do not think I am called upon to deal, because it does not really arise out of this amendment, but I may say that Mr. Mitra is labouring under a misapprehension if he thinks there is no discrimination between officers and the lower-paid and inferior staff in the present Government leave rules, and I do not think that we are called upon to draft the rules for the Imperial Bank staff. At any rate, that question does not arise out of this amendment. This provision, as I have shown, serves a minor but very desirable purpose and, for that reason, I must ask the House to oppose this particular amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 33 of the Bill, after the words 'officers or servants' the words 'in accordance with the Government Fundamental Rules' be inserted."

The motion was negatived.

Clause 33 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 34 stand part of the Bill."

Dr. Ziauddin Ahmad: Sir, I beg to move:

"That in clause 34 of the Bill, the following words be omitted:

'and after the words 'business of the Bank;' the word 'and' shall be omitted and to the regulation as so amended the following words shall be added, namely:

'and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers of attorney.'"

Sir, the original section of the Imperial Bank Act (section 51 of the Regulations) says:

"The Managing Governors, the secretaries and such other officers of the Bank as the Central Board may authorise in this behalf by notification in the Gazette of India are hereby severally empowered, for and on behalf of the Bank, to endorse and transfer promissory notes, stock-receipts, stock-debentures, shares, securities and documents of title to goods, standing in the name of or held by the Bank, and to draw, accept and endorse bills of exchange, bank post bills, and letters of credit, in the current and authorised business of the Bank, and to sign all other accounts, receipts and documents connected with such business."

It is now proposed by clause 34 that the following words be added:

"and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers of attorney."

It is a new power which is now proposed to be given to the servants of the Bank, and I think this new power may prove to be a dangerous weapon and that it may be enormously misused. Therefore, I would very much like to stick to the old conditions and not make changes which are not very salutary. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 34 of the Bill, the following words be omitted :

'and after the words 'business of the Bank;' the word 'and' shall be omitted and to the regulation as so amended the following words shall be added, namely :

'and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers of attorney.' "

Mr. Vidya Sagar Pandya: Sir, I have already dealt with this matter when I spoke on the motion for consideration of the Bill day before yesterday, and I explained that we were taking a retrograde step in regard to the Imperial Bank while we had provided a very salutary provision in the case of the Reserve Bank of India Bill. In the latter Bill, under section 9 (2) and section 14 (3), we have clearly laid down that no officer or employee of the Bank shall act as a proxy on behalf of a shareholder.

The Honourable Sir George Schuster: Sir, I think my Honourable friend is really under a misapprehension about this. My Honourable friend's objection was to officers of the Bank holding proxies from shareholders of the Bank in voting at meetings of the Bank, but this clause has no reference to that. This merely refers to executing proxies on behalf of clients of the Bank who hold shares in other companies. It has nothing to do with shares of the Imperial Bank itself. It is a purely routine power which the Bank requires for the carrying out of its ordinary security business—the holding of securities for its clients.

Mr. Vidya Sagar Pandya: But would it not be possible, if the Bank holds a general power of attorney from any of the shareholders for the Bank employees to sign proxies for the shares of the Imperial Bank itself?

There is nothing to prevent an officer of the Bank issuing a proxy for shares held in the Imperial Bank itself.

The Honourable Sir George Schuster: It gives him the power to execute proxies, *but not to attend the meeting and vote*. That is a different question.

Mr. Vidya Sagar Pandya: If the Honourable Member will give us an assurance to modify it in such a way as to exclude shares of the Imperial Bank and not permit officers or employees of the Bank to give proxies in favour of members of the staff either to issue proxies or to vote at the meetings of the shareholders of the Imperial Bank, I would be quite satisfied.

The Honourable Sir George Schuster: It is to execute proxies to vote at meetings—not "and to vote".

Mr. Vidya Sagar Pandya: Exactly. This does not exclude the shares of the Imperial Bank. That is my contention.

The Honourable Sir George Schuster: I am afraid my Honourable friend has not understood the meaning. The words are "to execute proxies to vote at meetings on behalf of shareholders"—not "to execute proxies *and* to vote at meetings."

Mr. Vidya Sagar Pandya: But that he can do also in the case of the Imperial Bank itself. If they cannot vote at meetings of the Imperial Bank, I have no objection.

Mr. E. Studd (Bengal: European): Sir, I think my Honourable friend is labouring under a misapprehension by reading only half of this clause—"on behalf of shareholders from whom the Bank holds general powers of attorney". Surely, if the Bank holds a general power of attorney already, there can be no need to execute a further proxy to attend and vote at a meeting of the Bank's shareholders. It can only apply to meetings of other companies. That seems to be perfectly clear. It is not necessary for the Bank to execute proxies to represent those shareholders at its own meetings; it has already got a power in that behalf.

The Honourable Sir George Schuster: Sir, as I have already said, this is a routine power which is exercised by all banks on behalf of their clients who deposit shares with them. It was probably unnecessary that this power should be specifically stated, but the Imperial Bank considered that there was some doubt in the matter and they wanted to have this provision to clear up doubts. The amendment seems to me to be quite unnecessary, and I oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 34 of the Bill, the following words be omitted:

'and after the words 'business of the Bank;' the word 'and' shall be omitted and to the regulation as so amended the following words shall be added, namely:

'and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers of attorney.'"

The motion was negatived.

Clause 34 was added to the Bill.

Clauses 35 to 41 were added to the Bill.

Clause 1, and the Title and the Preamble were added to the Bill.

The Honourable Sir George Schuster: Sir, I move:

"That the Bill, as amended, be passed."

Dr. Ziauddin Ahmad: Sir, I congratulate my friend, the Honourable the Finance Member, for being more successful than his predecessor, Sir Basil Blackett, in getting the Bill through in this Assembly. No doubt he had a very difficult task—in preparing the Bill and piloting it in the Assembly and in the preliminary meeting in London. The experience will prove whether the Bill will be beneficial or not to the country, but there is no doubt that at the present moment there is a very strong feeling about three points in the country. One is about the exchange ratio, the second is about giving some kind of rural credit, and the third, shareholders Bank

The Honourable Sir George Schuster: May I ask my Honourable friend if he is dreaming that he is speaking in the last Session and taking part in the third reading debate on the Reserve Bank Bill?

Dr. Ziauddin Ahmad: As this Bill is supplementary and consequential to the Reserve Bank Bill, I thought it would be relevant to make a passing reference to one or two things.

Mr. President (The Honourable Sir Shanmukham Chetty): This is not a Bill which is supplementary to the Reserve Bank Bill so far as the technical point is concerned. It is quite an independent Bill, and no Honourable Member will be permitted to refer at length to the Reserve Bank Bill or the issues arising out of it.

Dr. Ziauddin Ahmad: Sir, I follow your ruling. I thought that now we were at the end of discussions which commenced in November and have ended now on the last day of January. I thought that they were supplementary as they were moved together, referred together to the same Select Committee and reported together. In spite of the opposition on certain questions to which I need not refer now, experience alone will prove how far the expectations would be realised by actual facts. I wish that the expectations of the Government may come out to be true. I have strong doubts. No doubt the name of Sir George Schuster will be remembered in connection with these two Banks and perhaps like the Child Marriage (Restraint) Act, which is popularly known as the Sarda Act, these two Bills will probably be known as Sir George Schuster's Bills or perhaps the name of Sir Basil Blackett may also be added to them, who first initiated them, and then they will be known as Schuster-Blackett Bills.

An Honourable Member: Why not call them Dr Ziauddin's Bills?

Dr. Ziauddin Ahmad: Sir, there are one or two points in connection with this particular Bill to which I would like to make a reference. In the first place, I expected that when an amendment to this particular Bill was proposed, the shareholders of the Imperial Bank would be consulted. At any rate, they would be given a chance to express their opinion. In this particular case, however, this was not done. I, as a shareholder of the Imperial Bank, expected to receive a memorandum with a copy of the Bill from the Managing Governor asking me to give my opinion on this Bank as a shareholder and not as a member of the Legislative Assembly. Sir, there is no doubt that there is a very strong opinion in the country that, after passing the Reserve Bank Bill, it is unnecessary to create another Statutory Bank. In this connection I would like to quote the opinion of the Bombay Shareholders Association, a copy of which was not supplied to us, but only to the members of the Joint Select Committee. They say:

"The time has now definitely arrived when, consistent with the status and responsibility of the Imperial Bank, it can be made to work as a public Joint Stock Company incorporated under the Indian Companies Act with its own memorandum and articles of association supplemented by a comprehensive agreement with the Reserve Bank which, among other things, should specifically provide to the effect that the agency work entrusted to the Imperial Bank is liable to be withdrawn in the event of it having proved to the satisfaction of the Reserve Bank that the Imperial Bank is not managed on sound and conservative lines."

This was the opinion of the Bombay Shareholders Association. They were not definitely in favour of establishing a Statutory Bank and there was also a strong opinion to that effect in the country. We, on this side

[Dr. Ziauddin Ahmad.]

of the House, pressed that the only justification that could be made out in favour of establishing the Imperial Bank as a Statutory Bank enjoying the protection of the Legislature and feeding to a large extent on the profits realised by Government business was that it would give help to the masses of the country. And the masses of the country are really represented by agriculturists by which I mean both landlords and the tenants. I did not have the opportunity to speak on the amendment moved by my friend, Mr. Lahuri Chaudhury, regarding the advances to the landlords and I would like to emphasise that fact now. The landlords are the persons who are always loyal to the Government, and I am speaking for those who cannot speak for themselves, not because they have no tongue—I have seen them giving lectures when they sit among their own people—but because of their traditional loyalty to the Government of the day. These landlords have always been loyal to the Government for the last 3,000 years. They are really the custodians, in a small measure, of law and order, because in every village of their own they have got exactly the same problem which a Governor has in a province. As these landlords are responsible for maintaining law and order in their own villages, they naturally appreciate the value of law and order and, therefore, they always remain loyal to the Government. But unfortunately they have been very hard hit in these days on account of the especially harsh measures that have been adopted by Government officials in extracting from them the land revenue. I have seen many cases myself and I expect there will be Members in this House who have also seen similar cases. Government revenue has been extracted from these landlords in a manner which is not at all dignified. These landlords are responsible men; they possess motor cars and carriages and have a very great stake in the country. They are simply put in the prison, because they could not pay a few thousand rupees. Now, when a landlord is put in the prison, because he could not get, say, Rs. 2,000, in time, though his assets may amount to several lakhs of rupees, he is put in a very awkward situation. He is compelled to go to the local banker or *Mahajan* and get money at any rate of interest and these local bankers, seeing the trouble in which he is put, demand fictitious and exorbitant rates of interests, 12 per cent., 20 per cent., and sometimes 24 per cent. I have myself seen documents of 24 per cent. in the case of small landlords. This is a natural demand on the part of landlords that some provision should be made by means of which their interests could be safeguarded and they could get money at cheap rates, and one method which we from this side could think of, is to have a permissive clause in the Reserve Bank Bill or in the Imperial Bank Bill that money could be advanced to these landlords in exceptional condition and under good security directly or through Land Mortgage Banks. Then we on this side venture to believe that the local rates of interest will be lowered. We are very anxious that the miseries of the landlord should be removed and one of the miseries in which he has fallen is the rate of interest at which he is compelled to borrow money.

My Honourable friend, the Raja Bahadur, said that on certain occasions he had to pay a large bill and his expenses were always high. That may be the case of some of those extravagant men. No man will borrow at a high rate of interest unless he is a fool, not knowing how to manage his own internal affairs. He is compelled to borrow money when his prestige or *izzat* is at stake, and he is under the threat of being sent to jail, because

once a zamindar is sent to jail, he loses prestige and he will never be able to carry on the administration of order and law in his own village. It must be remembered that these landlords have neither the police nor the army, just as Governors of Provinces have under them to administer law and order in their provinces. These landlords keep order by means of their prestige and this prestige is really a delegated authority by the Government. If the Government want these landlords to carry on their duty of maintaining law and order in the villages with this delegated prestige on the lines it has been maintained, then it is the duty of Government to come forward to the help of these unfortunate landlords and free them from the clutches of the money lenders who really suck their blood and take away all they possess in some shape or other. This is really the principle that we have at the back of our mind that, in order to save these landlords from the clutches of the money lenders, we press in season and out of season that some provision ought to be made to safeguard the interest of this very important class who really do not come forward to voice their views on account of their traditional loyalty and who do not send *jathas* or pass vote of censure or non-co-operate, because they say that doing so they will be doing something against their traditions. It is really the duty of Government to protect them. One of the ways we suggest is to provide some method by means of which, during difficult times, money could be lent out to them at reasonable rates of interest and not at exorbitant rates of interest which may ultimately lead to the ruin of the whole of their property. This is really at the back of our mind. We have pressed this point by Resolutions, by Questions and by speeches. My Honourable friend, Sir Muhammad Yakub, brought forward a Resolution a year ago, but this was practically shelved. I was saying that zamindar Members on the floor of the House have suggested that some relief should be given to the landlords in the matter of Court decrees, that they should never exceed double the capital.

Mr. President (The Honourable Sir Shanmukham Chetty) The Honourable Member is covering too wide a field in this discussion. The Chair has already allowed him for the last 15 minutes to dwell on that point.

Dr. Ziauddin Ahmad: I thought this was the only opportunity for me to depict the case of the landlord. I will just finish this particular aspect and I hope that some measure will be found to help this class of people. I cannot now say, by inserting a provision in the Reserve Bank Bill or in the Imperial Bank Bill, that money may be lent on the security of landed property, because we have already passed these Bills. We have legislated that money cannot be given. But I still have hopes that as the Honourable the Finance Member has held out hopes that this thing may possibly be done by instituting a Land Mortgage Bank. I hope that no time will be lost in instituting these Land Mortgage Banks. The reason why we demand the Imperial Bank to give some aid to the Land Mortgage Banks, whenever they are established, is that most of the profits of these Banks is derived from the taxes paid by the masses of the country, and since agriculturists represent a very large proportion of the masses, it is, therefore, just and reasonable that a portion of the profit which is realised out of the contribution of the masses may go back to the masses and may not be reserved entirely for the benefit of the industrialists and the importers of the country. I hope that even in this Session the Honourable

[Dr. Ziauddin Ahmad.]

the Finance Member will be able to lay before us some scheme of inaugurating these Land Mortgage Banks and not leave it entirely to the Local Governments, because, we know, whenever the Government of India do not want to do a thing, they simply shove it on to the Local Governments which really means that the thing is not done. We know from experience that if the Government do not want to do a certain thing, they refer the matter to a Committee and, by the time the Committee reports, the whole thing is forgotten and no action is taken. Another reason why this should not be left to the Local Governments is that they have not got financial experts as the Government of India have got. I fear that the Local Governments, for want of expert knowledge, resources and initiation, may not move in the matter.

I may be permitted to refer to the memorandum of the Shareholders Association about qualification and I will quote it for the last time. On page 17, they say :

"We suggest that a provision should be laid down disqualifying any person from serving as Governor or as a Member of Local Board if that person is a Director of more than 20 companies' not being private limited companies. We are convinced that some provision is necessary to check the evil of multiple directorships of the Governor and Members of Local Boards, if they are to be made to devote, as it would be their duty, sufficient time and attention and exercise adequate supervision over the affairs of the Bank. In the case of an institution of such importance as the Imperial Bank it would be highly dangerous to allow the evil of multiple directorships to go unchecked."

I think this ought to have been done and there should have been a provision that a Director of our Banks shall not have been a Director of a large number of other Banks, so that he may not be able to find time to do this business. My Honourable friend, Mr. Pandya, showed in his speech at Simla, that a large number of these Directors practically did not attend meetings on account of their multifarious duties.

One thing I should say about the service. I do not like to enter into details, but there is a strong feeling on this side of the House that in all those bodies which we create by means of Statutes, the conditions of service should be the same as the conditions prevalent in Government service. This is really the minimum condition that we expect on this side of the House. On one side you say that these are private bodies and, therefore, they are masters of their system and can regulate the services in their own manner, and, on the other side, you protect them by means of Statutes. If these people want Statutory protection from us, we on this side should expect that there should be some kind of Statutory protection for their servants. If they expect that we should protect them, then they should protect their servants. It is mutual compromise and a reasonable expectation. Even if there is no provision in the Act, I believe there will be no difficulty for the Government to take action on this particular point that as regards service rules, etc., the Bank and also the Reserve Bank should follow the practice laid down for Government servants. I think it is a very salutary provision.

I again appeal to the Honourable the Finance Member and through him, to the authorities of the Imperial Bank, that in order to facilitate the banking business in this country, which is not highly developed at present, because the people are still shy in keeping

money with the Banks, they should provide facilities for paying cheques without charging abnormal discount, and in this they should follow the practice of European countries where cheques are credited at par if the money is to be deposited in one's own account. No legislative sanction is necessary for this and it is not a thing which may be provided in the Statutes, but it is to be regulated by practice, and, if the Honourable the Finance Member simply expresses his opinion on this particular point, then, I am sure, the system of free remittances will be observed by this Bank and, as soon as the Imperial Bank sets the example, other Banks will follow it. As I said before, the present practice is very irregular; and even the Imperial Bank has got different rules in different agencies and it depends sometimes on the personnel in charge of the office: sometimes a person is not charged any discount at all, while at other times the same person is charged. Therefore, I appeal to the Honourable the Finance Member that, in the interests of increasing banking facilities, in the interests of making people more confident, he may, on our behalf, ask the Imperial Bank to cash cheques without discount—if not for other Banks, at least for the different branches of the same Bank. Sometimes the discount charges work to two per cent., if the cheque is of small value.

One thing more, and that is the protection of the interests of the public. We made it clear in connection with some of the amendments, that the Directors of the Central Board or the Local Board or the Managers ought not to be able to withdraw large sums of money from the same Bank; and, if they do, it should be clearly indicated by the Directors. We know that many persons have come to grief—not in the Imperial Bank—but in other Banks, because sufficient protection was not given to the public. In all these matters we look to the Government to safeguard the interests of the public; the public is not so well educated and they are not very well versed in matters of law and in the Companies Act: they simply see the prospectus and put the money in the trust that a Bank has been registered by the Government and the Government are more or less responsible for the good administration of the Bank. It is on this implicit understanding and belief that they put money there; the belief may be wrong, but it is the fact; and, therefore, in order to safeguard the interests of innocent people, it is very desirable that the Government should see that these Managing Directors or Honorary Directors should not make bad use of their position, and, if they take any money from the Bank, that ought to be clearly indicated in their annual report, so that the shareholders and the public and the Government should be able to judge for themselves. I am sure, if stronger supervision had been exercised, a good many Banks would not have become bankrupt and a good many people, who had put in their small savings, would not have suffered. In this connection I may also mention that, in order to stop these loopholes in the administration, there should be a Branch in the Finance or Commerce Department which should exercise supervision over the banking organisations of the country and satisfy itself that the money put by investors is safe in the Banks and is not misused by Managers withdrawing money on false securities. I do not like to quote specific instances, but I gave notice of certain

The Honourable Sir George Schuster: Sir, I have exercised a great deal of patience, but I would ask your ruling as to the relevancy of my Honourable friend's remarks. We are discussing the affairs of the Imperial Bank; we are discussing a measure which is designed to regulate the Imperial Bank and to ensure its solvency. My Honourable friend is

[Sir George Schuster.]

talking of the need for measures of this kind to be applied to the general banking institutions of this country. I would ask you, Sir, if my Honourable friend is not entirely irrelevant.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair itself felt it, but it did not want to interfere with the speech of the Honourable Member more than it could help. At this stage, the Chair should give a clear warning to the House. The Chair does not want to interfere with any Honourable Member so long as he is relevant and so long as he does not repeat either his own argument or the arguments of other Honourable Members; but the Chair must, at this early stage of this Session, ask the House to have in mind the heavy programme that lies before the House. The Chair has so arranged the sittings that in the first two or three weeks Honourable Members are not called upon to sit more than four days in the week, and, later on, when the budgets begin, the Chair proposes that normally the House should not sit for more than five days in the week. In the last Delhi Session, the House was rushed with business at the end of the Session, and it is perhaps desirable, from the point of view of every one, that that should be avoided if possible; and if that is to be avoided at a later stage, precautions must be taken early in the Session. It is perfectly open to Honourable Members in the respective Parties to attach what importance they like to a particular measure that is before the House and to regulate their speeches; but the Chair must give them this clear warning, that if it finds that there is a desire on the part of individuals and Parties to have the maximum discussion and the maximum number of speakers for the maximum time permissible on every measure that is before the House, then the Chair must so arrange the business of the House that, the House should sit longer than 5 o'clock every day and that it should sit for more than even five days in the week. In the interests of public business, it is up to every one to see that the House is given ample opportunity to finish the heavy programme that is before it. The Chair should give the option to Honourable Members and to the various Parties to decide what course they would adopt. For example, in this third reading of this Bill, if it is the intention of the House that there should be at least half a dozen speeches, each occupying about half an hour or one hour, the Chair is prepared to allow that, provided, of course, the speakers are relevant. But then the Chair may have to direct that the House should sit on Friday also, and probably on Saturday also.

Dr. Ziauddin Ahmad: Sir, if you and the Finance Member don't desire that we should ventilate our grievances on the banking of the country, I would conclude my speech. But I must say that we cannot expect banking prosperity, if the Finance Member is not prepared even to listen to us. As regards sitting for longer hours, I love to sit for longer hours. We have come here to do our duty, and not to record our votes, which can best be done by proxy.

Mr. Vidya Sagar Pandya: Sir, after the grave warning which you have just given to the House, I hope I shall not come under your lash.

Now, Sir, as the Bill is over

An Honourable Member: Is it over?

Mr. Vidya Sagar Pandya: We are going through the Third Reading, and, therefore, practically there is little formal business left over now to be gone through. Now, if I am not divulging any secret, the Government have already taken steps to ask the Banks to furnish information so that they may be included in the Scheduled Banks in the Reserve Bank of India Bill. However, that is a different point. What I was wondering was, after the Bill is passed, whether I should congratulate the Imperial Bank more or the Honourable the Finance Member

An Honourable Member: Both.

Mr. Vidya Sagar Pandya: The Imperial Bank of India has no representative in this House. . . .

An Honourable Member: Why? Doctor Saheb is a shareholder.

Mr. Vidya Sagar Pandya: As for that, I am also a shareholder in my own very humble capacity.

An Honourable Member: Therefore, congratulate yourself.

Mr. Vidya Sagar Pandya: As I was saying, Sir, though the Imperial Bank has no direct representative in the House, I must congratulate them on their having behind them the Government of India, and the Imperial Bank authorities have been able to get these amendments passed without any effort on their own part, but they have got what they wanted by the assistance of our kind, obliging and good, Government which take interest in the Imperial Bank as well as in the public. Now, Sir, there will be a chorus of congratulations to the Honourable Sir George Schuster, the Finance Member, on his so very successfully piloting this Bill as well as the previous Bill. I won't make any reference to the previous Bill. But, Sir, as a member of the Joint Select Committee, it is the desire of some of my colleagues, who were on the Joint Select Committee and who are also present here today, that I should convey our congratulations and thanks to the Honourable Sir George Schuster, the Finance Member, for the great trouble he has taken, for the great patience he has shown, for the great forbearance he has displayed for our weaknesses, and I know, as one who has himself opposed the Government and given perhaps the largest amount of trouble in the matter, my words will be taken in their true light, and not as congratulations coming from a nominated Member or from a Member who has secured or expects any favours from the Government. I express my feelings as a representative of the commercial constituency which I have the honour to represent here,—and my constituency is distributed over 28 districts, and it is the biggest constituency in India in this House, and I was specially sent here, because important measures like the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill were on the anvil, and as such I have tried to do my duty to my constituency. And, Sir, if I have exceeded at any time the usual limits of the debate, it was more in the interest of my public duty to my constituency than any intention of obstruction or for any other reason. Let me now join the chorus of congratulations which will deservedly be poured upon the Honourable the Finance Member.

An Honourable Member: There is no chorus here.

Mr. Vidya Sagar Pandya: This is a big "Nakkarkhaná" and my voice is that of a "Tuti". I do not like to sound any discordant note on this occasion. Though we may not agree with the Bill and its contents, nor the way in which the Bill has been amended, it does not mean that we should not give expression to our appreciation of the work of the Honourable the Finance Member who had to perform such an uphill, difficult and arduous task, and, therefore, he fully deserves our congratulations and thanks.

Now, Sir, the lunch time is coming, and I don't wish to stand between the lunch and the Members. Anyhow, I again heartily congratulate the Honourable Sir George Schuster, the Finance Member, and also the Imperial Bank of India on behalf of the members of the Joint Select Committee and the Party to which I have now the honour to belong and the House.

Mr. N. M. Joshi (Nominated Non-Official): Ironical or sincere?

Mr. Vidya Sagar Pandya: No, Sir, my congratulating and thanks are most hearty and cordial. With these words, I resume my seat.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, without anticipating your warning just now, I had inflicted on myself the vow of silence throughout the discussions on the Imperial Bank of India (Amendment) Bill, but if I rise today, it is because I want to remove a wrong impression which my friend, Mr. Sarma, created on the floor of the House while the Reserve Bank Bill was being discussed. He said that after that Bill came out of the Joint Select Committee, I did not criticise so much the authorities of the Imperial Bank as I did at the earlier stage. My friend, Mr. Sarma, is not a trained parliamentarian, and as such he does not know the procedure that politicians usually adopt. They have their own views on certain matters and they make certain criticisms which the public level against certain institutions, and, rightly or wrongly, various criticisms have been levelled against the management of the Imperial Bank, and I did level those charges at the Simla Session. At the Joint Select Committee, I had the privilege to go thoroughly into the details of the administration of the Imperial Bank. We had the privilege to hear there not only the Managing Governor of the Bank, Sir Osborne Smith, but there was Sir Purshotamdas Thakurdas, a gentleman very much respected on this side of the House, and also Sir Badri Das Goenka, as well as Mr. Lamond who was very helpful to us. We found that the Imperial Bank, since it was instituted, laboured under the impression that it would be the Central Bank of India or the Reserve Bank of India. Then we found that the Government of India changed their views, and although the authorities of the Imperial Bank of India were mismanaging affairs, according to our notions, still they felt they had a grievance against the Government of India and the people of India whom this Government represent here. In the Joint Committee I approved of the Reserve Bank, subject to certain changes which were introduced and which this House also approved. We felt that not only the Reserve Bank should be the National Bank, but that the Imperial Bank, in view of its strong banking position in India and also of the fact that it manages

a huge amount of Government currency, will have to act as the agent of the Reserve Bank, and it is no use creating a different institution than the Imperial Bank as Agents of the Reserve Bank to manage the currency and finances of India. Therefore, I gave out my considered views in the Select Committee that in the Reserve Bank we were creating a national banking institution and I found and also most of us found that the Imperial Bank was going to be another national banking institution allied to the Reserve Bank. Therefore, in spite of certain mistakes which have been enquired into and of which Sir Osborne Smith has borne in mind our criticism, I did not like to levy any criticism. My Honourable friend, Mr. Sarma, is not present here

Mr. R. S. Sarma (Nominated Non-Official): I am here. That is another misstatement.

Mr. B. Das: I know that my Honourable friend, Mr. Sarma, was the sleuth hound of the press, but, at that time, he was not whipping the *Whip*. He somehow found that I had received a "letter of credit" from Sir Osborne Smith. I may say, it was only a "letter of appreciation" which was well deserved.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I move:

"That in sub clause (1) of clause 1 of the Bill, for the figures '1933' the figures '1934' be substituted."

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (1) of clause 1 of the Bill, for the figures '1933' the figures '1934' be substituted."

The motion was adopted.

The Honourable Sir George Schuster: Sir, I have only two words to say. In the first place, I should like to thank my Honourable friend, Mr. Vidya Sagar Pandya, for the very generous remarks which he made. Coming from him in view of his own opinions about this Bill, I doubly appreciate those remarks. My only other remark refers to my Honourable and learned friend, Dr. Ziauddin Ahmad. He has expressed some surprise at the fact that the shareholders of the Imperial Bank were not consulted about this measure. If there is any mystery about this, I think my Honourable friend has himself today supplied the explanation. My Honourable friend has informed us that he himself is a shareholder in the Imperial Bank. Now, Sir, the Imperial Bank is a commercial institution, and I think it is very doubtful if the Directors of that Bank could afford the time which would have been necessary if the shareholders, including my Honourable and learned friend, had been consulted on this measure. (Laughter.) Otherwise, I think no speech is called for from me. We have had a full discussion of this measure and I venture to express the hope that the Imperial Bank in the future and the Reserve Bank of India in the future will both work together in the interests of India. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill, as amended, be passed."

The motion was adopted. (Cheers.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE INDIAN STATES (PROTECTION) BILL.

The Honourable Sir Harry Haig (Home Member): Sir, I move:

"That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee, consisting of Sir Abdur Rahim, Mr. B. Sitaramaraju, Sirdar Sohan Singh, Mr. K. C. Neogy, Sardar Sant Singh, Sardar G. N. Mujumdar, Mr. N. N. Anklesaria, Mr. C. S. Ranga Iyer, Mr. F. E. James, Captain Sher Muhammad Khan, Mr. N. M. Dumasia, Rai Bahadur S. C. Mukherjee, Mr. B. J. Glancy and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The House will remember that I moved a motion for the reference of this Bill to a Select Committee last September and that we had a debate on the principles of that motion lasting for about a day and a half. In the course of that debate, it became apparent that there was a general feeling in the House that they would prefer that the measure should be circulated for the opinion of the public before we proceeded further, and as Government were of the opinion that they could meet the House to that extent without seriously affecting the programme which they had in mind for proceeding with the later stages of the Bill, they accepted that amendment and the Bill was circulated for opinion. We now have before us those opinions, a number of very interesting opinions. I do not wish to generalize about them. I think on the whole they represent very much what we might have expected. There has been support for our proposals and there has been opposition. I do not think any substantial points of principle have emerged that have not been already covered in our debate in September and, if I am right about that, the House has the satisfaction of reflecting that their Members have been able to look round and into this problem at least as well as the public whom they represent. When Government accepted the amendment for circulation, I expressed the hope that Honourable Members who had already made speeches would not at any rate repeat the same remarks when this debate was resumed and I offered myself to set an example, a promise which I hope I shall be able to fulfil. Nevertheless, I fear that I must make a few general remarks to serve to remind the House of the main points of the discussion which is now being once more initiated.

The object of the Bill is to prevent unconstitutional agitation against the administration of Indian States directed from British India, and the powers we propose to take are of three kinds. In the first place, we

propose a penal clause for those who enter into conspiracies against the administration of Indian States. In the second place, we propose certain preventive powers in order to stop press attacks intended to bring the administrations of States into hatred or contempt or to excite disaffection; and, in the third place, we propose to give certain powers to District Magistrates to prevent the organisation of bodies of men for irruption into the States and the development of unconstitutional agitation generally in British India directed against the States.

Now, Sir, in the debate last September to which I did not have an opportunity of replying, I think I may say that I noticed on the part of the House a desire to examine our proposals in a spirit of fairness, and I hope I am not exaggerating when I say that I felt that there was on the whole a general recognition that we had made out a case for taking action, a recognition at any rate in many quarters. Another feature that I observed in the debate last September was that the principle of autocracy was not in itself condemned and rejected. I suggested to the House that we had to reconcile ourselves to the fact of autocracy in the Indian States. That was one of those fundamental facts from which we could not get away and I think that the criticisms that have been made were criticisms directed not to the actual form of administration, but to certain methods, certain alleged abuses to which that system of autocracy might give rise. Well, Sir, whatever the form of Government, whether it be autocracy or bureaucracy or even democracy (*An Honourable Member*: "or mobocracy"), or mobocracy, they are all liable to abuse and the important thing is the spirit in which they are administered. It was claimed that owing to the conditions in certain States redress of grievances could only be secured by promoting agitation outside the States. I think my Honourable friend, Mr. Glancy, will be able to deal with that general allegation later on. But there was undoubtedly some nervousness expressed that if this legislation is enacted, it will be impossible to criticise or comment on even the worst abuses. I do not think, if our proposals are carefully examined, that it can be held that there is really any ground for this nervousness. I would ask the House to reflect that in these days the States are bound to be responsive to the atmosphere of public opinion around them. It seems to me that this is being realised increasingly, and that the recognition of this fact is one of the main impulses leading to Federation. We are beginning, we are at any rate seeing the beginning of, a unity of interest, a unity of thought and a unity of conscience throughout the whole of India. That is an important tendency when we are considering what will be the effect of the measures we are now proposing. But there is legitimate and there is illegitimate criticism. There is constitutional and there is unconstitutional action and it is the latter that we wish to stop. It is unfortunately true, as my Honourable friend, the Political Secretary, will perhaps be able to show later on, that much of the criticism of the States at the present day is not directed so much to the benefit of the inhabitants of the State and to bringing out into the open genuine grievances and abuses as to ulterior objects or even private profit. We do not want to interfere with those who are genuinely interested in reform, unless they let their zeal run away with their discretion to such an extent as to advocate unconstitutional methods. There is one general point I want to make plain, because I think, on looking through the opinions and the debate of last September, that some misunderstanding has arisen. I have justified this Bill on present-day conditions under the existing constitution, as a practical necessity. I need not repeat the justification

[Sir Harry Haig.]

which I developed last September. But I also permitted myself to look to the future when the relationships between British India and the States will be much closer and when representatives of both will be sitting side by side in both Chambers of the Indian Legislature.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): To whose advantage?

The Honourable Sir Harry Haig: And I suggested that we could not conceive a Federation working harmoniously if one part of the Federation allowed its territory to be used for the purpose of unconstitutional agitation against other parts. A Federation postulates goodwill and the spirit of co-operation, not hostility. But it is not the case that the Bill is not required till Federation comes. It is required now. We have had our warnings: we must not ignore them.

The main criticism, perhaps, which has been made against the provisions of this Bill relates to our proposals in regard to the press. The press is a very influential organization and we must always expect criticism, strong criticism perhaps, whenever we do anything which may be held to restrict the powers of the press. But the main criticism that was made was that which was crystallized by my Honourable friend, Sir Cowasji Jehangir, in the debate in September. He said, in effect, that in some States a mere narration of the facts would be bound to excite disaffection. Our answer to that was that we had provided in the *Explanations* that statements made without any intention of exciting disaffection would not be dealt with under these provisions. I wish to repeat that we have no desire to penalise the mere narration of facts, or to suppress facts, and, as against the view expressed by Sir Cowasji Jehangir, I would like to quote what has been said by the Government of Bombay when this Bill was referred to them in circulation. They said that *Explanations* 2 and 3 would seem to safeguard the position, since a mere narration of facts without improper distortion or comment showing an intention to excite disaffection would certainly be held to fall under one or other of the *Explanations*.

Well, Sir, that is a point of view which we must examine further in Select Committee. We shall also be prepared to examine in Select Committee any other points in which it may be felt that the Bill as drafted goes beyond the requirements of the situation. I do not myself at the moment think that the provisions do go beyond what is required: but I am open to conviction. We do not wish this legislation to be used in an oppressive way, but we wish to put a stop to the kind of attacks which are in certain cases at present directed against States and to the kind of situation that has arisen within the last few years in which an unconstitutional agitation against a State has been worked up from British India. I hope that the principle of these proposals will be accepted by the House and that they will agree to set up a Select Committee in which the criticisms on points of detail can be more carefully examined. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select

Committee, consisting of Sir Abdur Rahim, Mr. B. Sitaramaraju, Sirdar Sohan Singh, Mr. K. C. Neogy, Sardar Sant Singh, Sardar G. N. Mujumdar, Mr. N. N. Anklesaria, Mr. C. S. Ranga Iyer, Mr. F. E. James, Captain Sher Muhammad Khan, Mr. N. M. Dumasia, Rai Bahadur S. C. Mukherjee, Mr. B. J. Glancy and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Sitaramaraju (Ganjain *cum* Vizagapatam: Non-Muhammadan Rural): Mr. President, on the previous occasion, when this Bill was discussed, I did not take part in the debate. I wanted very much at that time to see how public opinion would receive this measure and then we, with our responsible position in this House, could consider the various aspects of the Bill. Since then, this Bill has been referred to what the Government call public opinion. I said, Sir, what the Government call public opinion. The record of public opinion that has been gathered and supplied to us cannot really be called public opinion, because wherever I turn to any page of these voluminous records gathered as public opinion on this measure, I find the District Magistrate of this place saying so and so and the District Magistrate of some other place saying so and so. We have been repeatedly urging upon the Government that whenever they wish to refer any matter for public opinion, they should refer it for the people's opinion of this country. It is not official opinion that counts. But unfortunately Government, whenever they refer measures of Government they always consider public opinion as synonymous to official opinion. Notwithstanding the fact that the opinion that has been gathered is mainly official in its character, and necessarily subservient, still I venture to submit that a perusal of these opinions would show that even the official mind has not gone to the length to which the Government of India have gone in this measure. My own province naturally has some sort of attraction for me, and so I would refer to only one little passage in the opinion expressed by the Government of Madras. They say this:

"The majority of the provisions of this Bill are *prima facie* of an emergent character and would appear to require considerable justification if they are to be made acceptable to public opinion. But the Madras Government are not in a position to judge as to how far such justification is forthcoming."

There are other opinions. I would only quote the opinion of two High Court Judges. I do not propose to quote at any great length many other opinions, but I would like to say this that the opinions of persons of the high standing of High Court Judges should require consideration in this House. Justice Niamatullah says thus:

"I do not think it is necessary for the Indian Legislature to extend the same protection to the States as it has done in case of British Indian administration. The degree of latitude which the British Indian subjects are given for criticising the administrative actions of the Executive is unknown in the States. On the other hand, it is an open secret that maladministration in some States is great. Things are done in some of them which are true but cannot be proved. Any exposure of them in the States themselves is out of the question. Freedom of comment in British India has a great moral effect and indirectly acts as a check by drawing the attention of the Political department to the alleged high-handed action of the State administration. It is true this freedom is sometimes abused but there are laws already on the Statute book which afford some measure of protection to the States.

States are very jealous as regards interference in their internal affairs by the authorities in British India. Consistently with this attitude they have no claim to any further extension of protection through the Indian Legislature. The latter cannot legislate so as to bind the State administrations, there is little justification for the same degree of protection being extended to them. It is only if the States agree to some degree of control by the British Indian Government that they should be placed on the same footing as the British Indian administration. The least that should be

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insisted upon in return for such a legislative enactment is that a right to petition the Governor General or Governor should be conceded to every person aggrieved by any of the actions of any State administration and the same right of appeal to Privy Council should be given from the decisions of the highest tribunals in the States as exists in British India.

It is not fair to State subjects to be deprived of the right to criticise the State administrations even in British India. Section 121-A of the Indian Penal Code which is to be applied to the States is far reaching in its scope."

Then, Sir, I will only give just another passage from another High Court Judge, Justice Rachpal Singh. He says:

"I am opposed to the provisions of this Bill. Generally it will be found that people belonging to Indian States, whose grievances are not redressed come to British India in the hope that by giving publicity to their cause they will obtain a hearing from the British Government. I do not see any reason why they should be discouraged from adopting this course. This is one of the remedies, and very often the only remedy, which they have against oppressions by the ruler of a State, and I think that they should be permitted to avail themselves of the same."

Sir, it is not necessary for me at any great length to quote the various opinions expressed and, as I am asked to serve as a member of the Select Committee, I do not propose to deal with any of those provisions, which, if this motion is referred to the Select Committee, could be attended to there. But there are certain aspects of this Bill which, if I am to discharge my duty honestly and faithfully as a member of the Select Committee, require some answer from Government. Sir, one of the very first things that I would like to ask on a measure of this kind is: What is the precise constitutional position of an Indian State? We are asked to take note of the constitutional position of an Indian State. We are asked to take note of the jurisdictional position of the States. But may I venture to ask, what is precisely the constitutional position of an Indian State? We have States ranging from His Exalted Highness the Nizam governing territories and having a population as big as a prominent kingdom in Europe, to a Princeling, lording over an acre of land in the Himalayas. There are 562 States like that. There are, again, princes who claim descent from the planets,—the sun and the moon, and there are other princes who can lay no better claim to an ancestor than the Revenue Inspector of the John Company. Further, what is more important for us to note in a matter of this kind is that there are States which have jurisdictional powers, whereas there are good many other States which have no such jurisdictional powers. This Bill does not make any distinction between the States and States. All of them are treated as one class. Further, as matters stand at present, the States themselves claim to be considered in the same way as protected States known to International Law are considered. Sir, you know that according to the International Law, a protected State has for it a suzerain power. That suze-

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rain power controls only the external relations of that State, but the protected State has absolute internal sovereignty. The Indian States claim that they should be considered in the same category as protected States. But here the position of Indian States cannot be considered to be the same as a protected State as can very well be seen from section 33 of the Government of India Act where the Governor General in Council has a right to interfere with the internal administration of the State itself. Here, Mr Hall, in his book "On Foreign Jurisdiction of the British Crown", describes more or less correctly the precise

position of the Indian States and he places them in the category of protected States. He says:

"Whatever might have been their status before, sometimes by fresh compact universally by usage, internal independence has been invaded to an extent which is no doubt very different in the case of the Nizam from that of the petty chiefs of Kathiawad or the Rajput princelings of the Himalayas; but which everywhere involves the exercise to a greater or less degree of territorial jurisdiction by the paramount power, and implies the reserve on its part of a certain dominant 'residuary jurisdiction' and even of the right to disregard the plain terms of the treaties themselves."

While constitutionally speaking we are unable to place them in the category of protected States, we find in the Montagu-Chelmsford Report that from time to time the position of the Indian States had changed. Whatever may have been their status and position when they entered into treaties with the East India Company, under the British Government first their position was one for non-intervention, then subordinate isolation, and, thirdly, subordinate co-operation, and it is said in a recent Committee Report that the future is union and co-operation. That does not help me to know exactly what is the precise constitutional position which we are asked to respect. The English language, which is foreign to us, I always considered is more suitable for concealing thought than for expressing one. In all these varying phraseology, it is very difficult for me to know precisely what exactly is the constitutional position of an Indian State. There is one other matter which has also created some difficulties in my mind and that was His Majesty's Orders in Council. These Orders in Council have also added somewhat to the confusion as regards the precise constitutional position of the Indian States. In the Persian and Siamese Orders in Council, members of Indian States are classed as British subjects, while in the Persian Coast and Morocco Orders in Council, a British subject was defined as to exclude them. Again, under section 15 of the Foreign Jurisdiction Act, they are described as persons enjoying Her Majesty's protection. But when I read constitutional law, I find that protected States like South Borneo and others have absolute internal sovereignty and, therefore, their subjects are treated as foreigners. We have also to take note of the fact that we are going to get a constitution perhaps on the lines indicated in the White Paper. What exactly will be the constitutional position of the Indian States under that constitution, it is very difficult to state at present. Today under the White Paper proposals their position is further complicated by the fact that they are asked to part a portion of their sovereignty to the Federal Legislature which in turn is subjected to the sovereignty of the British Parliament which body has no manner of right whatsoever for that position. When we come to deal with the long list of Federal subjects, which the Federal Legislature can discuss, we find how hard it is to draw a line of demarcation between matters which can be covered by the Federal subjects and matters not covered by them in the matter of dealing with the administrative details under the rule of these princes in their States. Therefore, it is absolutely necessary for us, when we go to Select Committee, to know exactly the precise constitutional position of the Indian States,—that constitutional position which we are asked to respect. I have tried my best by referring to International Law and referring to books on Constitution and law, but my labour was wasted. I could not find an exact analogy to the precise position which an Indian State occupies to-day. I think I made a mistake to refer to books of that kind. What I ought to have done was that I should have referred to sociology. There, if I may venture to say so, I find a parallel to them. They are very much

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like the bedecked, bejewelled Begums of an Imperial Zenana, with jurisdictions intra-territorial and extra-territorial, circumscribed within the narrow limits prescribed by the Political Department, with an army of agents who pose as the watch and ward to maintain the honour of the paramount power and sustain the public morals, judged by bureaucratic standards of the inmates of that august personage of this Imperial Harem. If that is not the status of even these treaty States, what is their precise constitutional position? It is not only necessary that an authoritative pronouncement should be made regarding the status of these Big States under the British Crown, but it is also necessary that the Government should give us an indication whether they would like both the major and minor princes to be treated alike or whether they would prescribe different status to the minor States. The minor States, mushroom in origin and magnitude of power and misfits in a scheme of Constitution that the Government may have in view, have actually frightened the bigger States to fall in line with any constructive or constitutional scheme, necessitating urgently the review of their position. I must consider that a solution of that problem is much more urgent than even this measure. When you remember, these small States have no jurisdictional powers, what is the nature of jurisdiction you wish us to take note of in this measure? The States like Hyderabad, Mysore, Baroda and Kashmir cannot accept the status you propose under this measure to the smaller Jagir States. If this measure is intended to be a generous gesture towards the princes, this will be approaching the problem from the wrong end, in a manner not only to complicate it, but to confuse matters already confounded and to create a genuine apprehension among the Big States as regards their future importance and constitutional position. But if the paramount power desire that this whole class of Indian States should be treated on the footing of protected Foreign States, I would offer no objection if they are given the same status of protected States known to International Law, in which case the paramount power would have no jurisdiction in the internal administration of the States. They would have to be placed in the same category as the Asiatic Princes contemplated under section 125, I.P.C., for which purpose this section 125, I.P.C., and the Foreign Relations Act, which we have passed a few months back, will cover all that there is a need to cover and this Bill would be uncalled for. Bringing this Bill under section 121 is certainly not called for, but would be against all law and accepted notions of allegiance and of international obligations. But the Honourable the Home Member says, the geographical position, historical antecedents and powers acquired by usage by the paramount power have given the Indian States a different constitutional position. But what is that position? A precise definition of that position would enable the Bill to be drafted in a manner suitable to all. If the Government admit that they have no independent internal sovereignty, it will be a mockery to call them sovereign States. They are perhaps as much a Government as the Government of India are today a Government. Are the Government of India a Government? With the civilian underneath them and the Secretary of State above them, what chance have they to govern? The Indian States occupy even a much inferior position than that. Again, under the present Constitution, it is not the Viceroy, but the Governor General-in-Council who exercises the paramount power; and whatever may be the future, the Indian Legislature cannot be treated as untouchables in matters administered by the Governor

General-in-Council. However that may be, so far as the present position of the Indian States is concerned, they are, to my mind, more objects for our commiseration than our anger. There is no doubt that some of the Indian princes are a bad lot, but such a trait is incidental to an irresponsible position. I said "irresponsible position", in other circumstances I would have said autocratic or despotic power. But even despotic power has always a corrective; that corrective is the people whom they rule.

Even in the dim historic past we have known occasions when great monarchs, despots, tyrants, whose will was law, even they had one corrective and that was the will of the people whom they governed; but today is that corrective existing in any Indian State? Public opinion is the corrective and is the check of even the most despotic and autocratic power. But can that act as a check in any Indian State today? Even tyrants and despots know that the loyalty of their subjects was essential for the maintenance of their rule and the safety of their thrones. But these States in India need not depend today on the loyalty of their subjects: they have at their beck and call the armed intervention of a mighty Paramount Power: the princes are not called upon to study the needs of the people, but to study the desires of the Paramount Power. The princes are not called upon to allay the discontent of their subjects, but to allay the discontent of the Political Department. Where is the corrective, the proper and legitimate corrective which can always be exercised by the people over whom they rule? Is that corrective present today? If not, how is it to be attained? The greatest injury that the Paramount Power has done is to destroy that corrective. If you turn to the Law Commissioners' Report of the year 1817 on the Indian Penal Code, you will find at pages 6 and 12, Colonel Sleeman saying:

"In nothing have we so neglected our duty as in the licence we have virtually given them."

Nearly a hundred years have elapsed since Sleeman said that. Can the Honourable the Home Member say that the position has improved today? He admitted himself on the previous occasion that there were princes whose government was not at all up to the mark, and that there were princes whose States were scandalously and intolerably misgoverned. But what is the corrective? What is the check upon this state of affairs? He said: "If you do not embarrass them from outside—(I am using the very words of the Honourable the Home Member)—they can be trusted to protect themselves." Protect from whom and from what? Certainly from the people they govern: by the help of the army, the Indian taxpayer is contributing to maintain them in their position. We are told that we can talk of the misgovernment of any other country, but we cannot talk of the misgovernment of our neighbours. I do admit that the way in which my neighbour manages his own household is not my concern: but if my neighbour develops unhealthy surroundings, certainly it is increasingly my concern that that plague spot should be eradicated. We are also told that we can agitate against the Government of South Africa if they were to illtreat any of our subjects there: but can we agitate against an Indian State which has illtreated an Indian British subject in that State?

Mr. N. M. Joshi (Nominated Non-Official): You cannot even ask a question in this Assembly!

Mr. B. Sitaramaraju: Quite so: you cannot even ask a question about it here. It is always a fundamental right of a nation to judge and criticise the conduct of others who illtreat their own nationals. Where have we got that power? What right have you to deprive us of that power to criticise the conduct of persons who illtreat our nationals? The Honourable the Home Member says: "True, but you can always represent these matters to us". With all respect, may I venture to submit to the Honourable the Home Member that we know what representations are generally worth.

Another point which has already been mentioned by one of the Judges of the High Court of Allahabad was that, if this Bill were passed into law, the Indian State subject was prevented from ventilating his grievances in British India and that no remedy would be open to him even in British India.

These subjects of Indian States are blood of our blood and flesh of our flesh, and you cannot ask us to ignore that. I am prepared to acknowledge that constitutionally we have no right to interfere with their administrations. If, of late, there have been instances where British Indians have busied themselves to take upon themselves to translate that sympathy into action, they have, every sensible one among them, realised to their bitter cost that they were only playing into the hands of others. There may still be enthusiasts like my Honourable friend, Mr. Das, who often forget their own troubles and weep over the lot of others. The other day he enumerated the demands of the Indian States subjects: one of them was the right to have freedom of speech, opinion and association. If my friend will not misunderstand me I would say that it comes with rather ill grace from the tail-end of the Indian National Congress in this House to pose that we have in British India today the right to exercise freedom of speech, opinion or association. The second demand of the Indian States subjects was the right to be tried by open trial and by a proper judicial tribunal. But here is my friend, Mr. Mitra, who will enlighten the House as to the rights which we are supposed to possess in British India in this matter. The third demand of the Indian States was that they should have freedom to worship in the manner they like, and I hope in this connection I would respectfully look to my friend, Raja Bahadur Krishnamachariar, who may have to say something about it.

But, Sir, I wish to make one point absolutely clear. We wish the Indian princes well. Some of them,—particularly those in Southern India,—have set an excellent example. Personal interference with the administration is given up. They and several others have done much. But for them, perhaps, Indian talent from even British India would have stagnated. But for them, all that is good in ancient culture would have nearly perished. But for them, religious, social and educational reforms would have taken a longer time. There were occasions when Indian States had set even better examples to British Indian Provinces. A British Indian Province would envy the literacy attained in Travancore, the prosperity of Cochin, and the reforms of Baroda. Still unlimited power in the hands of single persons, when exercised against the wishes of the people they govern, must be riding for a fall. We do not desire their fall. We wish them well.

Sir, in the near future, whether we wish it or not, these States are being yoked to us. We feel helpless even to suggest that the Federation should be a real Federation of States and Provinces whereby their provincial administrative problems should in all cases be made exclusively

Provincial and the Federal Legislature should only deal with Federal Subjects, but the idea of His Majesty's Government is to create for the States rights to discuss British Indian problems, while reciprocity is denied to us. This is a very unjustifiable position. What we cannot cure now must be endured for a time at least. Common sense and a care for the future must dictate to us the absolute necessity, therefore, to cultivate the goodwill of the princes. We must be prepared, and we are quite prepared, to go to all reasonable lengths to maintain them in their gilded seats.

But as regards the subjects of the States, we do sympathise with them. But we and they must understand—it is not our business to fight their battles. They have to fight for themselves without partnership from British India. We deprecate *jathas* and welcome the measure to that extent that it is not our business to go and lead British Indian *jathas* to Indian States. All that we could do was to bring, if we could, pressure on the Government of India to consider that the subjects of the States were objects of their concern as much as the princes themselves, but if in the situation the Government find that there is no room for reform, but only possibilities for employment, how can we help that? Justice and freedom we cannot secure for them either in Srinagar or Hyderabad, Alwar or Rampur. But it must be secured, God willing, it will be only in Delhi. But "*Honos Delhi Dur Hast*, Delhi is far off".

Sir Muhammad Yakub: Mr. President, I am not against any reasonable protection being granted to the administration of Indian States or to the rulers of those States. I am well aware that a great deal of blackmailing and extortion against the administration of Indian States and their rulers is going on in British India. I know it full well that there are many newspapers in British India who live entirely upon blackmailing the Indian States, and large sums of money are passed on to them from Indian States to shut the mouths of these barking dogs of newspapers whose business is blackmailing and nothing else

An Honourable Member: What about the people who give the money?

Sir Muhammad Yakub: That is what I am going to say. I am quite prepared to admit that measures should be taken to stop this blackmailing and extortion, but are not some of the Indian States, and the rulers of those States, themselves responsible, to a very large extent, for this blackmailing and extortion of money? If you invite the editors of newspapers from British India, if you entertain them at sumptuous dinners, if you give them big palaces to live in, if you give them costly cars to drive and, before leaving the State, if you also fill their pockets with bundles of currency notes, then I do not think any measure, that we can pass in this House, can stop blackmailing and extortion which is really going on in some of the Indian States. If we are asked to protect the rulers of Indian States, I think it is the first duty of the Government of India, the suzerain Government, to ask the rulers of these Indian States themselves not to encourage this sort of lavish hospitality and generosity on the newspapers

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

[Sir Muhammad Yakub.]

The Honourable the Home Member in his opening speech made very brief remarks in introducing this measure. He did not explain to the House as to what was the real need or what was the chief reason for which this measure had been brought before the House. He did not clearly explain the circumstances which made it necessary for Government to pass a measure of this character at the present moment. I think he must be asked to state whether the princes themselves have asked for this protection, and, if so, what specific grounds they have urged for putting a measure of this sort

The Honourable Sir Harry Haig: May I explain, Sir, that it was only in pursuance of an undertaking that I gave to the House in September, that I did not repeat the remarks that I have already made and that was why I was brief today, - I think the Honourable Member was not present in September when I explained at great length the justification and principles of this Bill

Sir Muhammad Yakub: Well, Sir, so far as the Statement of Objects and Reasons goes, it is stated here that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India. It is further stated that the forthcoming constitutional changes, moreover, make it desirable that the authorities in British India should have power to protect units of the Federation from agitation directed against them. Now, Sir, as regards the first object, that is to say, that the ordinary law is not sufficient to afford protection to the princes, we would like to know how many complaints were filed by the Indian States and what was the result of them, and in how many cases the ordinary law of the country was not sufficient to protect the Indian princes. Besides the ordinary law of the country we have also got, on the Statute-book, the Indian Princes (Protection Against Disaffection) Act of 1922. I would like to know, how many princes have utilised this Act, how many cases were filed under the provisions of this Act and what was the result of them? We would also like to know how it is that the Indian Princes (Protection) Act was not found sufficient to protect the Indian princes. These are relevant matters which ought to be brought before the House and we must know them before we are asked to vote on this Bill.

The Bill, as it has been framed, makes no difference between States and States. We are asked to give the same protection to the biggest State of His Exalted Highness the Nizam of Hyderabad as to a very small State comprising only of a few hundred people as its subjects. Out of the 562 States, as many as 454 States have an area of less than 1,000 square miles. 452 States have less than a million population, and 374 States have a revenue less than a lakh of rupees. It is only some 30 among the 562 States that possess the area, population and resources of an average British Indian district. As many as 15 States have territories under a square mile. Three States cannot boast of a population of 100 souls; five have a revenue of Rs. 100. The smallest revenue mentioned is Rs. 20 for the year and the smallest population is 32 souls. (*An Honourable Member:* "How many guns has he got?") To say that one who wages war against a State of which the area is under a mile and the population is 32—to put that on the Statute-book, would be ridiculous and we

would be stultifying ourselves if we passed a general law like that. It ought to be the duty of the Select Committee to see that the protection which we are giving and the provisions which we are applying to the Indian States do apply to States which really deserve the name of being States and not to these small principalities.

Then, again, certain provisions of this Bill are taken from the Press Emergency Powers Act. We know that *Explanations* (2) and (3) of section 4 of the Press Emergency Powers Act give a right of appeal to the High Court against a forfeiture of security, but there is no appeal against an order demanding security, which may be for any amount, under this Bill. We find that clause 6 of this Bill is very drastic and sweeping in its nature. All these things ought to be carefully gone into in the Select Committee and the Bill should be revised in such a form as would give satisfactory protection to the princes who deserve it and also leave sufficient scope for expression of genuine views in British India.

We are told that as the princes are now to become our colleagues in the Federation, we should give them more protection. In the first place, from the very beginning, it has been my objection that the association of the Indian States with British India, in the form of the Federation, would be a calamity to British India. Unity of democracy with autocracy can never be a congenial unity. Under the new Constitution, we are allowing the Indian States to have their finger in our pie while we, subjects of British India, will have no right to interfere in the internal administration of the Indian States. This is quite illogical and unconstitutional. If the representatives of Indian States, as members of the Federation, have a right to interfere in our internal affairs, then, logically, the Federal Assembly at least must have control over the administration of the Indian States and we also should have our finger in their pie. As long as the Constitution of the Federation does not give any right to the Members of the Federal Assembly, at least some power of supervision, over the administration of the Indian States, I do not think that we are justified in any way in giving any more protection to the Indian States than they enjoy even at present.

These are some of the points which ought to be thoroughly gone into in the Select Committee and the Bill should be re-drafted in that form. As I have said, I am not going to stand in the way of the Bill going to a Select Committee. With these few observations, I support the motion.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): This Bill is a very important measure and it requires very close scrutiny. So far as the principle of the Bill is concerned, I am at one, because I may say that about 15 years ago, I think it was, when the unfortunate murder of the late Mr Jackson took place, about 25 to 30 young men from the Maharashtra came and took protection in the Hyderabad State. The British police were very anxious to bag them, but there was no way by which they could get at them. So the Government of India represented to the Government of His Exalted Highness the Nizam that some sort of protection should be afforded to them, that people from the Hyderabad State should not hatch conspiracies against the peace and good government of British India. Now, Sir His Exalted Highness directed me to find out a way to do it, and I amended our Penal Code there to say that waging war against British India or a conspiracy to subvert the Government of British India was just as much an offence

[Raja Bahadur G. Krishnamachariar.]

in Hyderabad State as it was in British India, while, before that, our section only read, waging war against the Nizam or subverting his Government was an offence under that section. Consequently, when the princes do require protection, I think they are entitled to demand, as a matter of reciprocity, the protection that they require. But the most important thing that has not been said so far—I speak subject to correction—I did read the Honourable the Home Member's speech that he delivered in September last, I was not there in Simla, but I have not read it so closely as if I shall be able to pass an examination upon that, so if I do say something, I hope the Home Member will understand that I do not want to misrepresent him. Did any of the princes ask for protection, and, if so, against what? I am coming presently to the *jathas*. That is an important point by itself, and I do not think that any Honourable Member of this House would agree that people should collect in British India, hatch conspiracies and invade the Indian States with all the paraphernalia of a rioting mob. With that I shall deal later. But, apart from the question of the *jathas*, has there been any complaint by any Indian State that their administration is being interfered with by any action in British India on the part of the British Indian subjects or native Indian subjects? If so, I respectfully submit that before the Political Department or the Home Department requires this Assembly to accept a legislative measure like that, it was their duty to place that material before the House and say that this was the grievance that those gentlemen laboured under. We are bound to protect them and, consequently, we hope that this Assembly will agree to legislation of that kind. So far as I am aware, no such protection has been asked for. I think I can say with some confidence that I am conversant with the administration of several Indian States, big and small, and I do not think they wanted our protection at all in the way the Bill provides. On the contrary, I think they would resent our interference in these matters, but of that anon.

Sir, before I proceed to the remaining portion of the Bill, I think I had better dispose of a point which my friend, Mr. Raju, elaborated for some time before this House. He was not quite sure what the actual status of the Indian States was and he roamed all about the world, to South Africa, to big Protectorates and to small Protectorates and was unable to find out what exactly was the constitutional position of an Indian State. I am not sure that it is very relevant on this point, but if he will read Keith's "Government of British Colonies and Dependencies" he will find that the position of an Indian State does not correspond or cannot fit in with any definition of International Law that we know of and it has not been defined till now. The position of an Indian State is that its external sovereignty, that is to say, its right to deal with foreign nations, has been taken away by the treaties. As regards their internal sovereignty, I say this. I am not quite concerned with those States which have only three square miles of territory and with a population of 50 people. I am concerned with the more important of the Indian States. I think they are absolute masters in their own houses.

Mr. B. Das (Orissa Division: Non-Muhammadan): Certainly not.

Raja Bahadur G. Krishnamachariar: That statement, I am sorry to say, comes from a person who, I am perfectly sure, is not acquainted with their treaties. I should like my Honourable friend, Mr. B. Das, who is a very

great authority upon so many things, including labour in Geneva, to read the treaties. I will first deal with the treaty with His Exalted Highness the Nizam.

Mr. B. Das: I was talking of the smaller princes.

Raja Bahadur G. Krishnamachariar: I said, I am not concerned with chiefs with a three square mile territory and a population of 50. I shall dispose of all these persons immediately. As a matter of fact, these gentlemen are masters in their own houses, whatever might have been said in the interim difficult times that some of these unfortunate princes passed. I do not blame any particular person, when they had to dance to the whim of some of the Political Agents.

An Honourable Member: What about Lord Reading and paramountcy?

Raja Bahadur G. Krishnamachariar: I know that. I am coming to Lord Reading and his theory of paramountcy. I have had my say on that once or twice, and I shall have my say again. I am now concerned with the internal sovereignty of these people. There is a formula in the old Foreign Office which is now transferred to the Political Office, because, in the year 1902, they found that the Foreign Office had absolutely no jurisdiction to deal with these Indian princes. There is a formula which these people have framed—Whereas by treaty, sufferance (mark the word) and usage, various kinds of jurisdiction have been conferred upon His Majesty, he is now pleased to pass an Order in Council, etc., etc. I want this House to remember the word “sufferance”. Shall I tell you what sufferance is. For instance, the customs treaty concluded between His Highness the Nizam at that time and the East India Company . . .

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member is not entitled to refer to the relation of His Majesty's Government with any of the Indian States.

Raja Bahadur G. Krishnamachariar: I hope you will kindly hear me on that point. This Bill has been brought here in order to induce this Assembly to give protection to Indian States, because the administration of those Indian States is being disturbed by us and, I very respectfully submit to you, that we are entitled to find out what exactly their position is. Mr. Raju was allowed to say and to discuss the constitutional position of the States, and I respectfully submit that I am equally entitled to submit before this House what exactly is the constitutional position of these princes and what it is that they want and how far this House would help the Government of India in providing for it by getting through this Bill. Therefore, I very respectfully submit that you will kindly allow me to proceed with this matter. I do not say that the British Government was right or wrong in entering into that relation. Before I proceed to submit to this House my arguments as to how far they could go in giving this protection, I think I ought to tell them what exactly is the relation which subsists between the Government of India between His Majesty's Government and the Indian States and that, Sir, is the position, I respectfully submit, I should be allowed to develop as I began. Sufferance in a treaty that was entered into between His Highness the Nizam and the East India Company in the year 1800, which is called a Customs Treaty. There were half a dozen persons who were exempted from the customs which the Nizam was levying. Now, there are at least 600 persons on the British side who are exempt from the customs duty and that is sufferance. Why because . . .

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair would draw the Honourable Member's attention to rule 8 which says that no member shall ask questions relating to any matter affecting the relations of any of the foregoing authorities with any prince or chief under the suzerainty of His Majesty or relating to the affairs of any such prince or chief or to the administration of the territory of any such prince.

Raja Bahadur G. Krishnamachariar: That relates to questions. Then I would ask your ruling on the point whether this Bill is in order?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): On a point of order. When Mr. Raju made his speech, he made certain references to the Nizam. He also made certain references to the relations that subsist between an Indian State and British India. I should like to know, because your ruling is very embarrassing, as to how far you will permit us to refer to the relations of Indian States with the paramount power, because the whole Bill is based on that matter. I certainly share the difficulty of Raja Bahadur Krishnamachariar. Are we to speak, as we have spoken, when this Bill was taken up during the last Session, or are we, in the light of your ruling, to suppress ourselves and say that this Bill cannot be introduced in this House. We want to have a definite ruling in regard to this matter, because, when the question arises of attacking certain Indian States for their misgovernment and the necessity arises for raising attacks in the newspapers for their misgovernment, or defending them against such attacks, certain references will have to be made. I myself would invite your attention to my speech during the last Session where I definitely mentioned the affairs of Kashmir and the *jathas* there were permitted to go to Kashmir. These matters will have to be gone into and, therefore, I would like you to revise your ruling so as to enable us to proceed smoothly with the debate.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair's ruling is strictly what it read out to the House. The Chair quite recognises that it is difficult not to be on the border-line occasionally, but it is imperatively laid down that Honourable Members, while discussing these matters, cannot refer to the affairs of any State, either of the Nizam or of Kashmir, and the rule is very emphatic on this question.

Mr. C. S. Ranga Iyer: May I just invite your attention to this. Are we to conduct this debate in the light of the last debate and the length to which we were allowed to go by the President? I hope, you, Mr. Deputy President, will permit us at any rate the same opportunity of referring to the States or other States to which we referred on a previous occasion, and I would rather wait for the President and hear his ruling on this matter if you are going to place a further restriction on our right of discussing what we have already discussed.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair has placed no restriction on the right of Honourable Members to discuss this Bill except that laid down in rule 8, and has drawn the attention of the Honourable Member to that rule only.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhamadan Rural): Will the restriction apply to discussions in Select Committee?

Raja Bahadur G. Krishnamachariar: On a point of order. If you will kindly refer to that—I have not got the book, perhaps . . .

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order. A ruling cannot be discussed. The Honourable Member will proceed with his speech.

Raja Bahadur G. Krishnamachariar: I am raising a point of order, and I am only waiting so that I may, as a matter of courtesy, be allowed to read the passage again. I am on a point of order now. Clause 8 (1) of the Legislative Rules, page 83 of the Manual, says:

"A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed :

Provided that no question shall be asked in regard to any of the following subjects, namely :

- (i) any matter affecting the relations of His Majesty's Government, or of the Governor General in Council, with any foreign State;
- (ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief."

Sir, I am not asking a question; what I am submitting is that if I cannot dispose of this point of order, which I am developing, I shall immediately say this, that the Bill is designed to protect the administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, etc., etc.,—those exactly are the words used in this place,—“any matter affecting the relations . . . or relating to the affairs of any such prince or chief”, so that if the affairs relating to any prince or chief relate also to his administration, then I want your ruling whether this Bill itself is in order. Why should the Government be allowed to introduce a Bill in order to protect the administration of Indian States, and why should I not be allowed to go into that—the administration of the States? They want this House to give their verdict and they have introduced this Bill, a Bill which admittedly deals with the affairs of States and here I am, according to the ruling that you have just now laid down, not to speak anything upon the administration of these Indian States. I want to know then whether this Bill itself is in order.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): I take it, Sir, that the rule that has been quoted relates only to questions. Now, supposing we were to apply that to a debate on a Bill like this, the principle that would apply would be—that you may refer to the administration of the States in general terms, but you are not to discuss the affairs of a State, that is to say, the detailed affairs of the administration of any State. If it be so held, then I do not think there would be any inconsistency between the rule and the debate that is going on now. I think it must be open to the Members of this House to discuss the general features of an administration, in order to find out how far the provisions of the Bill relating to the administration of the States generally should be accepted by the House or not. There ought to be a distinction drawn between discussing in detail the administration of a particular State and the general features of the administration of the States.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I submit that the very principle of a question is, as laid down in section 33, at page 14, under rule 7, that a question may be asked for the purpose

[Mr. Muhammad Yamin Khan.]

of obtaining information, because the principle of asking questions is to obtain certain information which cannot be gathered by Honourable Members without getting this information through the Government sources. Now, if one has the object of getting only information and puts a question as regards the administration of an Indian State, it will not be possible for the Government of India to supply that information and, therefore, this House is not authorised to ask questions on those matters which relate to Indian States or their administration. But when we have got a Bill before us, which necessarily involves the principle whether we should give protection to people who ask for this protection, necessarily we have to go into those details which are precluded from being put up in the shape of a question. I hope, Sir, you will allow the Honourable Member to proceed in that way as he was proceeding.

Mr. C. S. Ranga Iyer: Sir, for your benefit, may I suggest that we may try, in the light of the difficulties you are confronted with in the Assembly Manual, to draw a difference or demarcation between going into the details of the administration of an Indian State and making general references to it, as we have made in the last discussion, so that we may illustrate our point by such references, and that is all I have got to say

Raja Bahadur G. Krishnamachariar: If you will kindly permit me to say one thing. During the last discussion, my friend, Mr. B. Das, if you will kindly refer to his speech

Mr. Deputy President (Mr. Abdul Matin Chaudhury): What is exactly the point of order of the Raja Bahadur?

Raja Bahadur G. Krishnamachariar: My point of order is that, if your ruling is upheld or if you say that that ruling that you have just now given should not be revised, namely, that no affairs of a prince or a chief should be discussed on the floor of this House, then I say that the Bill to protect the administration of the States—an administration which must necessarily deal with the acts of specific administrations—that too should not be discussed. Therefore, I say, that the Bill itself is not in order and I want your ruling upon that.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Bill is perfectly in order, because the Bill is intended only to protect the administrations of the States in India from attacks made in British India.

Raja Bahadur G. Krishnamachariar: Is that your final ruling? How are you going to protect an administration unless you know what the details of that administration are? If you do not want me to debate that point, then I do not want to trouble this House about anything. In the Statement of Objects and Reasons, the Honourable the Home Member says that the present law does not afford sufficient protection that they may reasonably expect against activities which may be carried on in British India with the object of subverting or exciting disaffection towards or interfering with the administration of such States. Those are the acts that this Bill is going to prevent, and the assent of the Assembly is required in order to enable this to be done. Sir, I do not wish to question your ruling at all, but I think I may very respectfully submit that if I am

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not allowed to lay before the House the details of the administration, then there is no point in debating this question and in going on with the Bill. On a former occasion, Mr. B. Das was allowed to speak for more than three-quarters of an hour on the *Begar* system that exists in the Indian States. If I am not allowed to lay before the House the conditions upon which alone this House would agree to the proposal made by the Government, then, how can I go on with the Bill? Take, for instance, clause 6 of the Bill. I want to show how that section ought not to find any place in a law in British India. How can I do that, except by giving instances. Therefore, I respectfully submit that the discussion might be allowed to proceed.

Mr. N. M. Joshi: May I say, Sir, one word about this point of order. Our Rules and Standing Orders were framed with regard to the ordinary course of our work. We are not to ask questions about the conditions in Indian States or even discuss Resolutions. But the rules, when they were framed, did not really consider that there would arise some situation, as we have today, when the rules would have to be waived although they might exist. The rules did not really contemplate that we should discuss a measure for the protection of the administration of Indian States. If the rules had really kept that in view, they would not have been framed in this sense. We are today asked to discuss a measure which is to protect the administration of Indian States. Now, how can we discuss, if the rules are to be kept as they are, whether the Bill is a desirable one or not. We must really discuss whether the administration deserves protection or not. I therefore suggest to you Mr. Deputy President that the present Bill is a special Bill and the rules even though they may be against our discussing the administration of Indian States, will have to be waived if the Bill is to be considered properly.

Mr. B. Das: Sir, as my name has been so often mentioned by Raja Bahadur Krishnamachariar, I wish to point out that I never tried to exalt or undermine the administration of any one particular State. I referred generally to the maladministration in these States and that I will do again later on when I speak on this motion.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, with reference to the point of order that has been submitted by Raja Bahadur Krishnamachariar, may I point out that the restrictions to which you refer apply specifically to questions as also to Resolutions, because, apart from rule 8, you will find that if you refer to rule 23, there is a similar restriction with regard to Resolutions. But when we come to legislation, the only restrictions are with regard to the subjects on which this House is not competent to legislate. If you turn to section 67(2) of the Government of India Act, you will find that "It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of the Assembly any measure affecting . . . (d) the relations of the Government with foreign princes or States". That is to say, if only this previous sanction has been accorded to a Bill, we are competent to discuss even a measure relating specifically to the relations of the Government with foreign princes and States. On that analogy, I submit, that not merely is this Bill in order, but that all relevant references to the relations of the Government with the Indian princes and States are also in order, there being no positive bar against it in the Legislative Rules.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair would like to hear the Honourable the Law Member on this point.

The Honourable Sir Brojendra Mitter (Law Member): The matter is not at all difficult to my mind. The principle underlying this rule with regard to Indian States, I submit, ought to apply to Bills. Certainly when we are dealing with a matter which seeks to afford protection to States, the constitutional relations between British India and the States must be relevant and ought to be allowed. We may not discuss the internal affairs of a State. Any reference to any particular State or the internal affairs of a particular State should not be admissible. But I submit that it is permissible to argue misgovernment of a particular type that may exist in a State without mentioning the name of it. As an abstract proposition, it would come within the purview of the Bill. We may not discuss the affairs of a State in a concrete form, but, as an abstract proposition I submit, they ought to be permissible.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): In the ruling that was given the Chair said nothing new. The Chair only read out to Honourable Members the relevant portion from the rules as given in the Manual. The Chair agrees with the Honourable the Law Member that Honourable Members are not entitled to go into the details of the administration of an Indian State by giving concrete examples.

Raja Bahadur G. Krishnamachariar: Thank you, Sir. I was not going to mention any States so far as the misrule is concerned, but with regard to constitutional relations, I understand, the Honourable the Law Member said that it was perfectly open to me to speak. So, I shall not mention any State by name, but I shall do so upon the question of principle alone. Sir, I was discussing the question of treaty sufferance, but I shall not labour that point and I shall go to the question of usage. (*An Honourable Member*: "What is sufferance?") Sufferance is where there is a certain privilege of a very distinct nature granted by means of a treaty. As time goes on, its tail lengthens so much that the animal is lost in the tail and the privileges extend and extend until they are crystallised into a right and it is that which this phrase wanted to perpetuate. Usage is even a worse term. Now, these things have been knocked on the head. It was suggested in connection with the question of jurisdiction by a certain State that because a jurisdiction has been given for running a railway over that State, all kinds of jurisdiction have been conferred. The matter went up to the Privy Council and Lord Watson said that just as a fountain cannot rise higher than its source, so also any number of statements in your documents whether by treaty, sufferance or by usage, cannot give either in favour of His Majesty or the Government of India one jot more than what the Indian prince has consented to give. Consequently, the terms treaty, sufferance and usage which my friend, Mr. Raju, used have absolutely nothing to do with the decision of the constitutional relation between an Indian State and the Government of India. I know that, in the famous Manipur case, a Resolution was passed by the Government of India saying that Indian States did not occupy an international position as related to the Government of India. That, of course, Sir, only reminds me, and perhaps the House will forgive me if I give them a story that, when certain people who met Satan—a very undesirable person,—asked him

why, when he was so beautiful and so clever and reasonable and all that sort of thing, why it was that persons present him in such demonic light. Satan said:

"Valekin Kalam dar Kafi dushman ast"

which means "What can I do, the pen is in the hands of the enemy". Applying this story to the Government of India, I say that the Government of India, who are the aggrieved party, have sat down and wrote a Resolution that these gentlemen have no international status. That is with reference to the individual State of Manipur under the Himalayas and the conditions in the treaty are very obscure. The reason why I refer to that is that the statement that Indian princes have not got an international status with the exception of those rights that they have already added by treaty, I insist upon that word—on the authority of Lord Watson, accepting these things that, I say, they have got absolute internal sovereignty, but when they quietly yield to it, it is because they have got no power, no authority and no occasion to assert that power and hence these statements are made. These things are simply manufactured in this way. A friend of mine wrote, years ago, that when a Viceroy or any Governor gets tired with any of their visitors from England, they are swept on to the heads of the Indian princes. These gentlemen, as my friend wrote, eat their dinners, drink their wines, shoot their tigers and abuse their Government. Then the machine begins to work. The abuse of the Government starts and something and something is laid and eventually a certain ruling is given upon that one particular matter and attempts made to apply it to the entire body of princes.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Chair does not want to interrupt the Honourable Member, but it would like to draw the attention of the House that Mr. Marshal of the Assembly has no right to occupy a seat in the Chamber. He would do well to transact his business outside in the lobby.

Raja Bahadur G. Krishnamachariar: I hope the Marshal is not coming to me. I was on the point as to how the constitutional position of these poor unfortunate Indian States had been slowly encroached upon and in the end attempted to be crystallised by these words, treaty, sufferance and usage. Consequently, I submit that so far as these bigger States are concerned, their internal sovereignty is absolute and no one can question it.

[At this stage, Mr. President (The Honourable Sir Shannukham Chetty) resumed the Chair.]

Sir, that being the position of the Indian States the question now turns as to what protection they require. Before I come to that, there is one further question that I want to discuss in connection with this Bill and that is the question of paramountcy. That is the last straw that broke the camel's back before the Butler Committee sat and decided the whole thing. That was the paramountcy right declared by His Excellency Lord Reading in connection with a certain State. Sir, the right of paramountcy said Lord Reading, does not depend upon treaties but upon something apart from the treaties. I know only this much that the

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Indian States rightly or wrongly consider themselves to be sovereign States and rightly or wrongly during the time of the East India Company they were induced to enter into treaty relations most of them with His Majesty. I know there is an opinion that the treaties are with the East India Company which is an absolutely exploded opinion. Apart from the conclusions of the Butler Committee, if you refer to those treaties, the treaties were distinctly with the Crown of England and where they were not, resolutions were passed by the House of Commons to say that these treaties, though entered into with the East India Company, would be considered as binding upon the Crown of England. Sir, that being the position, I know only two things. To use a homely example, I have got some things in my house and I gave to a friend two of these things. The friend says: "I am entitled to the rest of them, it does not depend upon your giving them or not. I know how to take them". Similarly there are only two ways of getting these rights from the Indian princes, either by treaty cession or by the use of force. So far as I know, none of the Indian States were conquered by the East India Company or by the British Crown. Only treaty relations existed and if, according to the treaty, the paramountcy of the British Government does not come out, I say the fact that they are now in superior authority, the fact that they are now able to over-awe these Indian States by means of cantonments which they have established all over the place, that fact does not entitle the British Government to claim legal paramountcy. Physical force paramountcy, they are entitled to claim. Consequently, this question of paramountcy need not trouble us at all. As I said before I am quite in favour of this principle that, where they do require protection, by all means do give them protection. I was very much pleased to find that the Honourable the Home Member gave a somewhat halting apology—all the same an apology—for autocracy. Sir, I am not afraid of autocracy, I am not at all enamoured of democracy. I do not believe, as Mr. Brown said only the other day that there is no such thing, to use a strong expression, as Government by the people. He said that Government by the people is all nonsense. This is what he said only a few days ago in connection with the supposed Government of the people in Western Countries. What the people could do is to find out a competent leader and then the whole thing is done by the leader. That is the highest that you can go in the sense of Government by the people. Sir, as I said, I am not at all afraid of autocracy. Put autocracy on the one scale, and democracy, representative Government and all these things on the other, and you will find that autocracy is the more preferable thing. I will give you only one instance. In an important State, the condition of the agriculturists became so acute that within half an hour came the order from the sovereign that so much relief should be given. Some of my Honourable friends, who are most enamoured of the constitution in British India, will probably be surprised to know that in a certain province, although the Finance Member as the Chairman of the Finance Committee agreed to a reduction of 18 3/4th per cent., yet, as a Member of Government, he said that 12½ per cent. of the land revenue demand would do. That is representative Government and this is autocracy. I would much rather remain under this autocracy and get what I want from the man who feels with me and not live under this democracy where the man has no heart, as the saying goes that the Rubeeba has no body to be kicked nor soul to be damned.

Mr. F. E. James (Madras: European): Then why did you get elected to this Assembly?

Raja Bahadur G. Krishnamachariar: Just to see if I cannot change you and your mentality. Even if I cannot do that, I have done my duty. Our Lord says: "Action is thy duty, fruit is not thy concern". There is no doubt that the Honourable the Home Member is perfectly right and I believe that is so that this House wants to deal with this Bill in a spirit of absolute fairness. I am quite in agreement with this principle and now I come to the question of *jathas*. If the word is not unparliamentary, I should say that this a wicked act that was being perpetrated in certain parts of British India that people, who do not know anything about the condition of Indian States, but out of pure fanaticism—I do not care whether they are Hindus or Muhammadans—collect in certain places and march into the Indian States and embarrass the ruler by compelling him to put all these gentlemen under lock and key so that they may not disturb his peace or the placid contentment of his people. Sir, that is an act which ought to be prevented and, in so far as any legislation which would enable that to be done, I think it ought to be done without any hesitation whatsoever, and, consequently, I am quite at one with them and I have absolutely no objection to that portion of this Bill. But the Bill says:

"Whereas it is expedient to protect the administration of States in India who are under the suzerainty of His Majesty from activities which tend to subvert or to excite disaffection towards or to interfere with such administration."

I remember the enactment of section 124A as a special section of the Indian Penal Code, in order to deal with sedition and seditious tendencies, which was supposed to have sprung into existence by the action of the late Mr. Tilak. I also remember the ruling of Mr. Justice Strachey in the Tilak Trial in Bombay in the year 1898, where he defined disaffection as want of affection. This Bill says, it is intended to prevent disaffection, that is to say, we are going to prevent want of affection. I know the Legislature can do a great many things: they say the British Parliament has got any and every power to do things, except to convert a man into a woman and a woman into a man. I am yet to learn that you can, by legislative enactment, compel a person to be affectionate towards another. I do not know: perhaps there is a psychological way of doing it known only to the Members of the Government of India; but, as a mere man in the street who does not know the mysteries of administration and who only goes by his experience of the world, that I cannot be made affectionate towards a man and no power on earth can compel me to do it, yet these people say: "Are you going to lack in affection to the Indian princes? All right, I am going to lock you up". That is the provision made in this section, and I hope most Members of the House will remember the famous judgment of Sir Lawrence Jenkins, I believe in the *Comrade* case, where he said that every imaginable activity of a newspaper could be brought in under that omnibus explanation; and if the Government of India wanted to do that, they could lock up every pressman and forfeit every press. The terms of that section are so wide. And it is that section which has been extended to the newspapers—I am now on the newspaper—who tend to bring into hatred or contempt or excite disaffection towards the administration established in any State in India. I may at once say that I have never been a journalist and I have no sort of interest in any newspaper: if anything, I have a great deal of grievance against most newspapers: for this reason, that so far as my orthodox activities are concerned, they not only ignore me, they have not given me a fair chance and I do not at all consider that if

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they come into trouble, I need express any sympathy with them; but that is not the way to do things. I want to teach them a lesson, that although they have been unkind to me, although they would not recognise what I said—I do not want them to praise me or extol my activities—but what I say is, give me a fair chance: they will not do it, and now there is a chance, I could oppose them; but I do not want to do it. You do not understand the extent of the generosity—you will only do so if this section is passed and printer after printer and editor after editor is marched off to the prison, and then you will understand the extent of Krishnamachariar's generosity: till then you will never understand it; but that is by the way. What I say is that although the Press at times acts in a peculiar manner, yet it is a very useful public institution, brought into existence by the British administration themselves: we never knew in the olden days any newspaper: and dare any newspaper in those days say all sorts of things in an Indian State? You would have seen what happened to them in 24 hours. But, as I say, they started giving us all these things and they made us read so many things; and I say here, with a full sense of my responsibility, that there is no nation which, if I may be pardoned for saying so, has been so foolish as the British nation, to lay down principles to allow themselves to be abused from morning till evening and, at the end, shake hands as if we have been friends all our lives. Having been brought up in that sort of environment, in that mentality, pouncing upon every administrative act and claiming the right to criticise it, all of a sudden now you come and say: "So far as a foreign power is concerned, you are going to be affectionate towards it; else the most dire consequences will happen". The Bill says:

"to bring into hatred or contempt or to excite disaffection towards the administration established in any State in India."

Who is going to decide whether a thing tends to bring into contempt this administration? They will have to try this offence in British India. Who says that these things bring this administration into contempt? On the contrary, supposing there is an Indian State in which most wicked acts are perpetrated, supposing those matters are exposed in British India, I should have thought that the exposure of that maladministration or those wicked acts would tend, not to bring that administration into contempt, but to purify that administration to the extent that it would open the eyes of the ruler and to get rid of those who are responsible for that maladministration. The fact of the matter is, the offence is committed in one place and the person, who is affected, is in another place.

I thought I would speak after my Honourable friend, Mr. Glancy, had said what the Honourable the Home Member said he would do, so far as the remedy that lay for the subjects of Indian States when they were labouring under a grievance. I have not had the honour of being sufficiently acquainted with the Honourable Mr. Glancy, but I was a very great friend of his brother and, if he had been here, I am afraid he would have hesitated a little before he stood up to answer me and say: "These are the remedies that are open to you in an Indian State if you have a grievance". I do not know what he will say and I thought I would speak after he spoke, but my friend, Mr. Mitra, said, he was not going to speak today and I was afraid, what happened in the case of the Reserve Bank Bill might happen again, that is, on the morning of that day, when you restricted the particular discussion, as there had already been a full discussion, and as I thought I would not have my full say later, I got up and to say whatever

I had to say. But seriously speaking, I respectfully ask and I want the Honourable the Home Member, and Mr. Glancy, when he gets up to say what really are the remedies that are open in case of maladministration in an Indian State. I know of Indian States where there are plenty of ways by which you can remedy the grievances; at the same time, there are other States which, as Sir Cowasji Jehangir said, not only would feel aggrieved if you simply made a catalogue of the acts that existed, but probably, sooner or later, you will find the man who did so outside the confines of that State if he indulges in the luxury of ventilating his grievances within the jurisdiction of that State. What are the remedies? There are no newspapers; in fact no newspaper can come into existence, and no newspaper dare write anything regarding the grievances in these States. Now, if any such grievance exists, what is the remedy? I know it has been the stock argument of those persons, who support the repressive laws, that "honest journalism in India need not fear anything,—if you really want to ventilate your grievances, who is going to attack you?" Sir, I think I am old enough to remember the time when section 124A was enacted and when the Press Law was amended in 1910, and now, up to this time, those laws have been administered. I do not complain about it. I suppose that is what every Government must have in its armoury, to allow people to speak or not to speak, just as the Government like, and not as the people like,—I suppose those laws were necessary, and very probably the infection has spread outside British India, and they all say "It is just as well to have a law to stop all these people from shouting", although, as a matter of fact, they have got their grievances. I very respectfully appeal to the Honourable the Home Member not to put fetters upon these people who have absolutely no way of ventilating their grievances,—and I say that without any fear of contradiction on the floor of this House. If there is a way, that way may be pointed out to me now, so that I may immediately controvert it, because I believe I am in a position to do so being acquainted with the affairs of a very large number of Indian States. Consequently, I submit that the restrictions under which the Press in British India are suffering are quite sufficient to tie your ropes tightly round their necks,—and please do not, for Heaven's sake, put them under greater restraints. I entirely agree with my friend, Sir Muhammad Yakub, that there are some newspapers whose only business in this world is to blackmail. I have had a great deal of experience of them. I have had to deal with them,—perhaps I may say I dealt with them more summarily than my friend, the Home Member, deals with certain political prisoners. But, Sir, that is neither here nor there. There are black sheep in every fold; everybody admits it,—but then why go and penalise the whole lot? Sir, some grievances may exist and they may not be known to the ruler himself, because, Sir, there is an old story,—it is not very complimentary,—but it shows how the old world Indian States were getting on. There was once a great famine in a State. The Minister went and told the sovereign that there was famine and people were dying. The sovereign of the State said to him: "Can you not get them even *Khichurri*?" Sir, *Khichurri* is a very delicious preparation mixed with plenty of ghee and green gram and all sorts of things. So His Highness the sovereign said: "*Khichurri bhi nahi milta hai*". That is the way these poor gentlemen understand as to what is going on in their own States, and so it will do them a great deal of good if there was a way by which these things could be brought to the notice of the rulers of these States. By all means protect the princes, protect them from attacks that are made sometimes out of levity, sometimes perhaps as a result of a coarse joke owing to the way in which some of

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these gentlemen have been living and the innocent way in which some of them have been wearing their jewels. They have got their jewels and they have to be worn some time or other, and it is their practice to wear the jewels on some ceremonial occasions. Why should I, a poor man, who has not got jewels, be envious of these princes if they wear the jewels which they have. Why should you attack the princes for it, but if you want to protect the person of the sovereign from malicious, unjust, coarse attacks, by all means do it. But, Sir, there are States in which, if I may say so, most of the servants are adventurers. They are not sons of the soil, they do not care six pence as to what happens to the subjects of the States as long as they can conserve their power. Perhaps, you will allow me, Sir, to tell the House what I unconsciously overheard only a few days ago in a tailor's shop here in Delhi near Kashmiri Gate. I was giving my measurements, and the agent of a motor car firm was talking to his principal in Bombay about the sale of a motor car to a certain ruler of an Indian State. The price of the motor car was Rs. 10,000, but the agreement between the agent and the minister was that the car should be valued at Rs. 15,000, Rs. 5,000 to be immediately paid to the minister, and in order to ward off any suspicion of the Chief, five per cent. commission for cash payment should be deducted and the rest taken in cash before the motor car was entrained. Sir, if anybody challenges this conversation, I am prepared to produce that agent. He is now in Delhi and is not far off. Now, in such a case, will the Honourable the Home Member say what remedy the subjects of that State can have, if I happen to be a subject of that State, and, having heard that conversation, I ventilate it in the newspaper the next morning? The minister is the only man who corresponds with the political office, the poor Chief does not know anything about the incident and the minister will at once say about me: "Oh, this is a very dangerous and undesirable man, look at what he has written". And immediately comes an order to the Press asking for an explanation as to why they published that letter. It may be perfectly true, and the greater the truth the greater the chance of its bringing these people into contempt, and yet, under this Bill truth or falsity is no question. Is that capable of bringing these people into contempt or not?

The Honourable Sir Harry Haig: I think the Honourable Member has overlooked the explanations.

Mr. C. S. Ranga Iyer: But he has overheard the conversation.

Raja Bahadur G. Krishnamachariar: The explanation is not here, but I suppose it means all lawful means or some such thing, I think it is the same explanation which is contained in the Press Act, all lawful or constitutional method by which your grievances should be brought to the notice, —shall I say of the Government, or shall I say of the ruler. Sir, owing to the defect in my eye, I did not notice the Home Member. He kept mum when I challenged him on the floor of the House—what are those ways by which these remedies could be obtained? To whom shall I petition? I know the Government of India can interfere, although I always hold that the Government of India have absolutely no right to interfere if the treaties are to be respected, but they do interfere, and when they interfere, as is always the case, they do it in the wrong time,—either it is too late or it is too early, the subject-matter upon which they interfere is so galling to the subjects of the princes that, far from getting their sympathy, they incur hate. This is the position. Who is going to wait until the mountain

is moved? It is not easy to move the Government of India because they have been trained in a region,—and perfectly rightly too,—because perhaps I would do the same thing if I were in their position,—they rely upon the man on the spot. It is not until a great deal of agitation is organized that this interference comes in. Till then, as a friend of mine in a certain place said: “we are all gone”. There is an old Persian couplet which says:

*Tá tiryág az Irág áwurda shawád,
Már-guzidá murdá shawád.*

Sir, it is supposed that in Iraq there is a medicine which is a cure for serpent bite. A man was bitten by a serpent, and another man ran to Iraq to bring the cure, so that the verse says that by the time the medicine comes the man who was bitten by the snake is dead and gone:

*Tá tiryág az Irág áwurda shawád
Már-guzidá murdá shawád.*

That is to say, until it is too late, they do not interfere. Sir, I do not object to any reasonable protection being afforded to these princes against malicious, insulting and dishonest attack. I do admit that to a certain extent they do want protection for the reason I have just now given, that is blackmail. But do please devise means by which this protection can be given consistently with the rights of any other person. So use your rights as not to injure those of others is a cardinal principle of British law. In this connection, there were certain matters referred to by my Honourable friend, Mr. Raju. I do not think I need waste the time of the House by referring to them. But I will now come to clause 6 which is the most important clause, and as is always the case, the sting is in the tail, that is about the last clause.

“Where, in the opinion of a District Magistrate or Presidency Magistrate, there is sufficient ground for proceeding under this section, such Magistrate may, by written order stating the material facts of the case and served in the manner provided by section 134 of the Code of Criminal Procedure, 1898, direct any person to abstain from a certain act if such Magistrate considers that such direction is likely to prevent or tends to prevent interference with the Administration of a State in India or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State.”

What is it that happens? A Magistrate in British India considers that, in his opinion there are grounds for proceeding under this section,—that is to say, where he believes that all these acts that I have just now read or any of them are likely to happen in an Indian State, how is he going to find it? It reads beautiful on paper when it is stated that the materials upon which he has acted shall be served upon the man. What are those materials? The Magistrate has no jurisdiction over an Indian State. So that the materials are those materials given by that gentleman, the Prime Minister, whom I mentioned just now. He gives the materials and upon that the Magistrate comes to the conclusion—what? Not that anything is going to happen within his jurisdiction, but within that of a Native State. How far away he is from that place, I do not know. I know, in cases which have gone up before the High Courts in revision against orders under section 144, the learned Judges of the High Courts—I hope my Honourable and learned friend, the Leader of the Opposition, will support me in this—the Judges of the High Courts have always said: “What do we know about local conditions? Where a District Magistrate, a responsible official, the man on the spot, says that there is going to be disturbance of the peace, how can we here sitting say that there is no possibility of a disturbance of the peace? And consequently we decline to

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interfere". The principle of those decisions is that it is only the man on the spot who can say that there is likely to be a disturbance of the peace or a riot or anything like that. He is the man on the spot. The man who is the complainant is in the Indian State—he says to a Magistrate: "This thing is likely to happen". There is no doubt that the Magistrate has got to use his discretion, but he should be something of a super-human being if, without any materials beyond the materials that the Indian States will supply, he should come to the conclusion that there is no such possibility. This Bill is designed with the ostensible purpose of giving protection to an Indian State, and a responsible officer in the Indian State, whatever may be his action in the Indian State, asks for protection in the terms of this Act. How can the Magistrate go behind it? How, I respectfully ask, can a Magistrate say: "I do not believe it". He has not been given any power to pursue the matter further. All that the clause says is

Mr. President (The Honourable Sir Shanmukham Chetty): Does the Honourable Member propose to take much longer?

Raja Bahadur G. Krishnamachariar: I think I will take some time.

Mr. President (The Honourable Sir Shanmukham Chetty): He has already occupied one hour and ten minutes.

Raja Bahadur G. Krishnamachariar: Out of that, Sir,—you do not know—half an hour was taken up in discussing points of order. At the same time, there is one matter with reference to what you observed, I may say that of my Party only two or three persons will speak. We have got a lot of Members, and, if you give at least half an hour for each, I am entitled to speak for 10 hours, but I do not mean to do that. Secondly, this measure is an important measure and I pretend—one of my pretensions is that I happen to know something about the Indian States, and that is the reason why I stood on my legs so early.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member may resume his speech on the next occasion. The House stands adjourned till 11 O'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st February, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 1st February, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

CONTINUANCE OF THE FIVE PER CENT. CUT IN PAY.

Sir Leslie Hudson: In view of the fact that the Standing Finance Committee for Railways has to consider the Railway Budget on February the 2nd, can Government now make any statement as to its policy as regards the continuance of the cut in pay?

The Honourable Sir George Schuster: The Government of India, after most careful consideration, have been forced to the conclusion that the conditions which made it necessary to continue the cut in pay throughout 1933-34 at the rate of five per cent. have not improved sufficiently to make it possible for them to recommend the final removal of the cut in the next financial year and they, therefore, propose, after consultation with the Secretary of State, to provide for the continuance of the temporary cut at this rate for a further year, that is to say, on pay earned up to the 31st March, 1935. In making this announcement, the Government of India wish to repeat and emphasise their intention that the remission of the cut in pay should be the first measure to be undertaken when any improvement of their budgetary position justifies a relaxation of the various exceptional measures which have had to be taken since September, 1931.

THE ABOLITION OF CAPITAL PUNISHMENT BILL

PETITIONS LAID ON THE TABLE.

Mr. Gaya Prasad Singh: (Muzaffardur cum Champaran: Non-Muhammadan): Sir, under Standing Order 78, I beg to present nine petitions as per statement laid on the table relating to the Bill to abolish the punishment of death for offences under the Indian Penal Code which was introduced in the Legislative Assembly on the 24th March, 1933, by me. I may add that these petitions are in favour of the abolition of capital punishment and are signed by 150 Fellows of the Theosophical Society

STATEMENT.

Petitions relating to the Bill to abolish the punishment of death for offences under the Indian Penal Code which was introduced in the Legislative Assembly on the 24th March, 1933.

Number of signatories.	District or Town.	Province.
150

THE UNTOUCHABILITY ABOLITION BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): Further consideration of the following motion moved by Rao Bahadur M. C. Rajah on the 5th September, 1933:

"That the Bill to provide for the abolition of untouchability among the Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddi, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghuraj Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Also further discussion of the two amendments moved by Mr. R. S. Sarma* and Raja Bahadur G. Krishnamachariar† on the 5th September, 1933, and the 25th January, 1934, respectively.

Mr. Ranga Iyer.

Mr C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, my friend, the Leader of the Centre Party, Raja Bahadur Krishnamachariar, assisted by that scholar and great student of Manu, Pandit Sen, spoke as though:

"We are the men and wisdom shall die with us
And none of the good old Vedas vie with us."

Sir, Pandit Sen quoted the Smritis, forgetting the accretions, forgetting the enormous interpolations that have crept into the Smritis. I shall mention the name of a great Bengali to whom even Pandit Sen owes respect, Swami Vivekananda.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Only partial respect.

Mr. C. S. Ranga Iyer: I am very sorry to hear that he owes him only partial respect. What he means is "I owe him true, wholesale respect, though I partially differ from him or partially agree with him", for, no Bengali, not even Pandit Sen, will owe partial respect to a great Bengali like Swami Vivekananda, a universally respected man. (Interruption by Pandit Sen.) Swami Vivekananda used to say that when the Srutis and the Smritis differ, reject the Smritis without mercy. I would ask Raja Bahadur Krishnamachariar, who questioned whether we knew any Sanskrit at all and then told us in the same breath paradoxically that, we knew some Sanskrit, but not so well as to understand the implications of the Sanskrit language, whether he has heard the name of a great Sanskrit authority, a much greater scholar than Raja Bahadur Krishnamachariar himself, the great Rishi Dayanand Saraswati. I do not know if the Raja Bahadur has read the Satyarth Prakash.

Raja Bahadur G. Krishnamachariar: (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Oh, yes. I have.

Mr C. S. Ranga Iyer: He has read it and, therefore, he ought to know that the Vedas make no sanction of any kind whatever for this practice of untouchability.

Raja Bahadur G. Krishnamachariar: That is what Mr. Dayanand says.

*"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934."

†"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August, 1934."

Mr. O. S. Ranga Iyer: As the Raja Bahadur admits, that is what this great scholar says. He cannot accuse Swami Dayanand Saraswati of a lack of knowledge of either the Vedas or of Sanskrit. If that is what Dayanand Saraswati says, that is sufficient for my purpose. Sir, the Vedas make no sanction whatever for untouchability and here are our Shastrabadins quoting Smritis

Pandit Satyendra Nath Sen: You are quite misinformed.

Mr. O. S. Ranga Iyer: forgetting the interpolations and accretions, forgetting the trend of the times, trampling under foot even the tradition set up by Bhagwan Rama Chandra. Raja Bahadur Krishnamachariar, with his respect for the Ramayana and the Mahabharata, said that he would not treat them as mythology. I ask him, is he not aware that Rama once ate the *jhoota* fruit, the fruit that was already tasted, the polluted fruit, the half eaten fruit from the hands of an untouchable woman?

Pandit Satyendra Nath Sen: It does not occur in Valmiki's Ramayana. Where do you get this.

Mr. O. S. Ranga Iyer: Pandit Sen says that it does not occur in Valmiki's Ramayana and when I say to him that some of these quotations that he makes from the Smritis do not occur in the Vedas, he says something different. What the Honourable Member quoted was not from the Vedas, but from the Smritis.

Pandit Satyendra Nath Sen: I quoted from the Vedas also on the last occasion.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member should be allowed to proceed without interruption.

Mr. O. S. Ranga Iyer: The Raja Bahadur pleaded for a certain amount of tolerance for Pandit Sen. He said we were so intolerant. I was listening with a certain amount of interest to what Pandit Sen was saying, but I know the orthodox people are not even tolerant. They are too austere, because they are too harsh or they are harsh, because they are austere. Sir, the wind that has been blowing yesterday and today is less unkind than orthodoxy. They could at least have taken off their turbans to His Excellency the Viceroy or the Governor General, but the Raja Bahadur, instead of expressing gratitude to His Excellency the Viceroy for sanctioning this Bill in the manner in which he sanctioned it, says: "Why did you sanction it at all?" Sir, the Government of India were really and honestly playing the game of orthodoxy and putting obstacles in the way of our Bill passing into the Statute-book. I have a deep quarrel with the Government of India and its legal advisers, including my esteemed friend, the Honourable the Law Member, Sir Brojendra Mitter. I believe the Governor General acted on the advice of the Law Member and the Law Member must have told him what he probably may tell us today on the floor of the House. Instead of expressing gratitude to the Law Member and to the Governor General for blocking legislation in the Provincial Councils, here is an Honourable gentleman, belonging to the orthodox society, expressing the usual ingratitude. Why did the Government of India block legislation, may I

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ask, in the Provincial Legislature, the Council of Madras? We did not want to introduce a Temple Entry Bill to which reference was made by Raja Bahadur Krishnamachariar in this House. We did not want to see again this Untouchability Bill in this House. Sir, the one province in India today where untouchability obtains in its most acute form is the Province of Madras. (*Cries of "Shame, Shame".*) We wanted to bring this Bill into the Madras Legislative Council; we begged, we pleaded, we remonstrated that the public opinion of Madras was on our side. But here is an autocratic Government, irresponsive to public opinion, brushing aside the demand and putting obstacles in our righteous way of passing a legislation of this kind in the Provincial Council. They are talking of provincial autonomy; provincial autonomy is in the air, it is on the horizon, it is almost on the Statute-book, and here, is a Government unwilling to move with the times, unwilling to act as if provincial autonomy has come or is coming. On the contrary, they will even probably put obstacles in the way of provincial autonomy working. Surely a Provincial Council can do, at least in matters deeply affecting the province, things that lie within its own province? I want to know why did the Government of India play into the hands of the orthodox diehards and block legislation being brought into the Madras Provincial Council. Sir, the Government have been grossly unfair in this matter. I want to know—did they want to shelter the non-Brahmin movement in Madras, because the non-Brahmin leaders are deeply committed to the abolition of untouchability, though, in their private lives, the caste non-Brahmins are as great diehards as Pandit Satyendra Nath Sen or Raja Bahadur Krishnamachariar? They do not want to do away with untouchability.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): I repudiate that charge.

Mr. C. S. Ranga Iyer: That may not be true of the non-Brahmins of Bombay. Or that may be true of the non-Brahmins of Bombay *minus* the Honourable gentleman who interrupted me just now, but I was dealing with the non-Brahmins of Madras. He may repudiate that charge, but he is ignorant: he does not understand what obtains in the province of Madras. I say that the caste non-Brahmins do not admit Pariahs into their household. They admit dogs, but not the untouchables; they keep dogs, but they do not keep untouchable servants. They talk a great deal that the depressed classes are part of the non-Brahmins, that the non-Brahmin movement means to elevate the depressed classes, but had this legislation been brought into the Madras Council, the non-Brahmin movement would have broken up after its passing through the Provincial Council like a shot or been defeated and divided after failure to pass it. The non-Brahmins were on their trial, and this British autocracy in India has been a friend of the non-Brahmin movement. Any one, who reads the evidence given before the Joint Committee after the Montagu-Chelmsford Report was published and before the Reforms Bill was introduced in Parliament, will know that the bureaucratic British Government in India was a friend of the non-Brahmin movement. Lord Sinha's close cross-examination of some of the European representatives, formerly Members of the Madras Government, shows that their hand was deep in that movement.

Raja Bahadur G. Krishnamachariar: Sir Arthur Knapp.

Mr. C. S. Ranga Iyer: Hear, hear, and he had to eat humble pie. He started by saying that "we had no hand in that movement", but he admitted that he wrote the whole case for breaking up the communal peace in Madras. It is on record. And this non-Brahmin Government, this bureaucratic British Government, invariably unjust to the reformers, what did it do? Lest the non-Brahmins should be shown up,—though it was a non-Brahmin, formerly a Minister, a highly respected man, who does not believe in untouchability, who brought forward this Bill, my old friend, Dr. Subbaroyan—it would have shown up the non-Brahmin movement if it had been moved in the Madras Council—the Provincial Government intrigued with the Government of India and prevented the introduction of this measure in the Madras Legislative Council! Sir, it is the worst form of bureaucratic intrigue and bureaucratic injustice. Sir, supposing on the contrary it was apprehended that the non-Brahmins would pass that legislation through the Madras Legislative Council, then the Government did not want to interfere with "ancient customs"! They did not want a Legislature which they have introduced to interfere with "ancient usage"! Why then go through the farce and formality of these Legislatures? Who ever wanted to make this an all-India question? I ask my Honourable friend, Sir Brojendra Mitter, does untouchability obtain in Bengal? No. Bengal is a province which does not consist of myriads of misrepresentative men like Pandit Satyenara Nath Sen, but of wholly representative men like my friend, Sir Brojendra Mitter. (Hear, hear.) He does not believe in untouchability. The Bengali young men do not believe in untouchability, they do not believe in unapproachability. Does untouchability, again, I ask, prevail in Assam? Read the Census Report and you will find that it does not prevail in Assam.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Neither in Bihar.

Mr. C. S. Ranga Iyer: Neither, as my friend, Mr. Gaya Prasad Singh, who truly represents Bihar, has added, does it obtain in Bihar. In the Punjab, you do not hear about it. It is known in the Madras Presidency in its worst form: and when an *ex*-Minister of the Madras Government comes forward to legislate on that matter in the Local Council, here is the Government of India which says: "You have no right of legislation"—this from a Government of India which is committed to provincial autonomy. Why, I ask, did not the Governor General give his sanction to Dr. Subbaroyan's Bill and the Legislature of Madras the right of legislating on this matter? It is the Government of India that wanted to place Himalayan obstacles in our way so that the social reformer may not have the power or the opportunity of effecting this social reform.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): May I know whether the Honourable Member would be willing to agree that the Bill should be made applicable only to Madras instead of to other provinces?

Mr. C. S. Ranga Iyer: Sir, I would even now agree to withdraw this Bill. My friend, Mr. M. C. Rajah, will withdraw this Bill and I will withdraw the Temple Entry Bill if tomorrow the Governor General is willing to allow the Madras Government to deal with this matter and to sanction the introduction of these Bills in the Madras Legislative Council. (Hear, hear.) Then, my Bengali friends would not be so upset. I respect the

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feelings of orthodox people like Mr. Amar Nath Dutt. He is angry with us. I respect the feelings of Pandit Satyendra Nath Sen. He is angry with us. But they must be angry with the Governor General for making it an all-India issue. They should be angry with the Honourable the Law Member for having advised the Governor General to make it an all-India issue.

An Honourable Member: What about Bombay?

Mr. C. S. Ranga Iyer: And Bombay orthodoxy would also have been similarly grateful to us had the Governor General not made it an all-India issue.

Mr. N. M. Joshi (Nominated Non-Official): We would like to have this Bill.

Mr. C. S. Ranga Iyer: My friend says he would like to have such a Bill here though he was not even a signatory to it. We collected signatures so that we might get a place in the ballot, and here is an Honourable gentleman who says he would like this Bill, but who introduces Bills only about his pet propaganda.

There is another aspect under which I must deal with the subject and that is the economic one. My friend, Raja Bahadur Krishnamachariar, stated that it was an economic question. He quoted one Peter Paul Pillai, who wrote articles probably in the *Hindu* of Madras when Mr. Krishnamachariar was in his teens. Young Krishnamachariar was fed on those articles when he was a student in the college. He said unto himself, with some satisfaction, here is a great writer, a great authority who does not want to do away with ancient customs. All that he wanted was just to uplift the depressed classes economically.

Raja Bahadur G. Krishnamachariar: Himself a depressed class man.

Mr. C. S. Ranga Iyer: Yes, himself a depressed class man. Surely it was 50 years ago and young Krishnamachariar grew up. Krishnamachariar became a great man, he became a greater man and became one of the greatest lawyers of India. Today he is the Leader of a great and growing Party in this House. Raja Bahadur Krishnamachariar forgot that as he grew, with him grew the economic prosperity of the depressed classes, so much so that what would not have happened when he was a young man has happened today. He has embraced Mr. M. C. Rajah on the floor of this House. That is what the economic condition of the depressed classes has led to. In this Assembly Mr. M. C. Rajah is his friend, neighbour, philosopher and guide. But when Mr. M. C. Rajah goes back to the Madras Presidency and when Raja Bahadur Krishnamachariar goes back to his beautiful Srirangam presided over by that diety Sriranganadan, what happens? Mr. M. C. Rajah will not be admitted to the drawing room of Raja Bahadur Krishnamachariar. Is it not a fact? I want a straight answer from the Raja Bahadur.

Raja Bahadur G. Krishnamachariar: It is absolutely true.

Mr. C. S. Ranga Iyer: And he has given his whole case away. Economic betterment and economic uplift do not lead to the removal of social disadvantages and yet he said in his own speech, which I not only listened

to with great interest, but read with greater pleasure. Do away with these economic disadvantages and improve their economic condition, and then, he added, "their social disabilities will disappear".

Raja Bahadur G. Krishnamachariar: Not by asking them to dinner.

Mr. C. S. Ranga Iyer: Not by asking them to dinner, I admit, but at least by permitting them to your drawing room for having a conversation about your party politics.

Raja Bahadur G. Krishnamachariar: Wait, it will all come.

Mr. C. S. Ranga Iyer: I know it will all come. Even orthodoxy cannot prevent what is coming. Our orthodox friends have to move with the times, and it is to make them move with the times that I have brought forward and my friend, Mr. M. C. Rajah, has brought forward this eminently necessary piece of legislation.

Then, Sir, there was the religious aspect on which the Raja Bahadur expatiated. There was also the social aspect and, therefore, he not only quoted religious books in abundance, but he also quoted travellers who came to this country several hundred years ago. He quoted Meghasthenes and Fahien and he said that they found untouchability in existence in this country. Why remove it when it is so old?

Raja Bahadur G. Krishnamachariar: I did not say that. What I said was that the great Mahatma said that Hinduism was going to be ruined if this untouchability had not been removed. I said that it had been in existence for 2,000 years and we have not been ruined.

Mr. C. S. Ranga Iyer: It is 2,000 years old and these orthodox people must not talk Hinduism into ruin. And that is exactly what they are doing. Two thousand years ago, Meghasthenes and Fahien also found *Sati* in this country and a representative, sent to London on behalf of the Sanatanist movement, wanted *Sati* to be revived.

Raja Bahadur G. Krishnamachariar: No, no; he did not want it; that is not the correct representation of what he said.

Mr. C. S. Ranga Iyer: He wanted *Sati* to be revived, because he said it was divine. What he condemned was not *Sati*, but *Asati*. (*A Voice*: "You condemn *Asati*.") I condemn the practice of *Sati* by whatever name you may call it. I condemn the burning of women on the funeral pyre of their husbands. Whatever your term for it may be, Meghasthenes found it in existence. He probably applauded some of these noble women who went and sacrificed their lives when their husbands passed away. In spite of the applause that the foreign observer had given, *Sati* has been abandoned and has been made illegal. I want that untouchability should not have the support of law.

Raja Bahadur G. Krishnamachariar: May I tell my Honourable friend, as a matter of information, that Pandits of Navadwip and Southern India were strongly in favour of the abolition of *Sati* and submitted a petition to Lord William Bentinck.

Mr. C. S. Ranga Iyer: Even on the question of untouchability, the Mahatma has Pandits on his side, and Swami Vivekananda was greater than a Pandit. I shall come to the Pandits presently. There are Pandits and Pandits. Do you know what Shri Ramakrishna Paramahansa used to say to whom Pandits take off their turbans, because they do not wear hats. Reminded of some of the book—learned Pandit he used to say: “The vulture soars high into the sky, but its eye is directed on a piece of rotten carrion on the face of the earth”. Let us examine the lives of some of these Pandits. Are not their children going to the offices and taking up jobs under a *mlechchha* Government? Talk not of Pandits’ precepts. I will judge them by their practice. What did Swami Vivekananda say? I am quoting from memory. He said: “Was there ever a sillier thing in the world than what I witnessed in the Malabar country?”—Mr. Thampan’s country and my own—“The poor pariah is not allowed to walk through the streets, but if he changes his name to some hotch-potch Christian or Muhamadan name, it is all right. What does this show but that the Malabaris are lunatics and their homes so many lunatic asylums”. He said in unspeakable sorrow: “Their religion is the kitchen and their God is the cooking pot”. They say: “I am holy; do not touch me”. This do-not-touchism is passing for Hinduism. My friend, the Raja Bahadur, quoted Sir James Fitz James. He quoted from a speech of his when the Civil Marriage Bill was being discussed. He said that for people who do not belong to Hinduism except in name and who do not accept some of the injunctions of the religion, not even the British Government can legislate. We do not want the British Government to legislate for us. We want the British Government to stand aside and allow us to legislate for ourselves. This is a non-official Bill. If Sir James Fitz James were present here today, he would have said something with which public opinion is in agreement. He would have said: “We only said that British Government cannot legislate; it is good that Indians themselves have come forward to legislate for their people”.

Raja Bahadur Krishnamachariar was very very angry indeed with Mahatma Gandhi. He said: “He changes like the needle; he changes like the moon; he is a quick-change artist; he is so inconsistent”. I do not know what the Raja Bahadur really meant. He has reason to be angry, but he has no right to charge the Mahatma so far as this question of untouchability is concerned, with any inconsistency. Right from the beginning of his life, the Mahatma was not a believer in untouchability and in the eveng of his life he has taken up this subject in right earnest. Let us hope that he will adhere to this movement against untouchability, the removal of which is greater than Swaraj itself.

Raja Bahadur G. Krishnamachariar: The inconsistency consists in this. First coming to the Satanic Legislature and then asking it to thrust down the throat of orthodox people his own fad.

Mr. C. S. Ranga Iyer: I am glad he did not accuse the Mahatma of being inconsistent so far as leading the untouchability movement is concerned, and I shall presently show that the Mahatma is wholly consistent when he asks this Legislature to legislate on the question of untouchability. He did not ask us to fight the battle against repression. He did not ask us to put questions about political prisoners, he did not ask us to help his political movement from within, because, for the purpose of politics, he boycotted this Legislature, but he asked us to legislate not for him, for our condemned people, and he has a right to ask us that. I hope that the

Mahatma will also lift the ban on the Legislatures, so that, instead of the country being the storm-centre, the storm-centre will be transferred to the floor of the House. That is not inconsistency, that is moving with the times. The Raja Bahadur is too consistent, for orthodoxy sticks in the mud. (Laughter.) He and his adherents are unwilling to keep abreast with the currents and the movements of modern life. They will go back to 4,000 years ago, but not farther, not to the Vedas.

Raja Bahadur G. Krishnamachariar: Not to the currents and backwaters of life which led to the European war.

Mr. C. S. Ranga Iyer: The Raja Bahadur stated that no religious questions should be taken up on the floor of the House. Perhaps I was wrong. I apologise for having accused him,—I did not mean him, but orthodoxy—but if I included him, I am sorry to have called him a stick in the mud, for he is far from that. He first said that we should not legislate here on religious matters. He rose to a point of order. You, Sir, ruled otherwise and, like a good lawyer that he is, he bowed to the point of order and agreed presently that we could not only legislate on religious matters, but we can do it in right earnest, adding: “I will sit quietly provided you get a mandate from our people.”

Raja Bahadur G. Krishnamachariar: *Vis major.*

Mr. C. S. Ranga Iyer: However, that mandate is visible to us. That mandate can be seen in the shape of funds and jewels that Mahatma Gandhi is getting from the people. The Raja Bahadur was very very angry that the young girls should part with their jewels for Gandhi's movement. But if young girls and young men subscribe to a movement and part with what is precious to them, that is proof of their sincerity and their earnestness. The younger generation does not want this untouchability, it wants to do away with it. It is the old men that stand in their way.

Raja Bahadur G. Krishnamachariar: Witness the Bengal youths.

Mr. C. S. Ranga Iyer: Witness the Bengal youths, says he. I say witness them. If the Honourable Sir Brojendra Mitter will place on the table of this House all the invitation cards that he gets from Bengal for marriages, the Raja Bahadur will find that the Bengal youth is prepared to give a lead in social reform to the whole of India and then my Honourable friend, the Raja Bahadur, cannot say in contempt “witness the Bengal youths”. The Bengal youth has broken down the barriers of exclusion in society, the Bengal youth has improved religion and has elevated religion to its pristine purity, the purity of the Vedas. Condemn the Bengal youth!

Raja Bahadur G. Krishnamachariar: I did not speak of them with contempt. I said they say bring your movement to its proper mooring.

Mr. C. S. Ranga Iyer: Youth commands the future, and if the younger generation will have their way, untouchability will be washed away. We want to help the youth of this nation, we want to abolish what is weakening the Hindu society and the Hindu religion. The Raja Bahadur said: “Why should these reformers not class themselves into a new class, why should they attack religion, why should they attack society”? Had Martin Luther

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accepted the advice of the Raja Bahadur, probably he would have died unknown instead of broadening Christianity into what we find it today. We have a right to reform religion, to reform society, to purge religion of its impurities, the accumulated impurities from the days of the Smritis. Who was Swami Dayanand Saraswati? Who was Ramanuja? Who was San-kara? Who was Madhavacharya? Who was Chaitanya? Who was Vivekananda and who was Ramakrishna Paramahansa, a brilliant galaxy of stars of the first magnitude? Who were they? All social reformers and religious teachers. For, the beauty of our religion is, it embraces not only society, but life itself and, therefore, if you want to reform society, you have also to reform religion-in-practice. The Raja Bahadur also said: "If supposing you reform, what will happen? I, a Brahmin, sitting on the banks of the sacred Cauvery river or some other river, will be prevented or at any rate distracted from performing my religious observances by these untouchables splashing water upon me". May I ask, have the untouchables splashed water upon any Brahmin in any part of India willingly or unwillingly? My Honourable friend did not give any instance.

Raja Bahadur G. Krishnamachariar: With your help they will do it now.

Mr. C. S. Ranga Iyer: I hope they will make it impossible for the Brahmins and the caste non-Brahmins to perform their Pujas on the banks of rivers if these people will stand in the way of the untouchables exercising their rights and privileges to which they are entitled in Hindu society and according to the Hindu religion. (Hear, hear.) But they will not do it with my help or without my help. My Honourable friend, the Raja Bahadur, is representing the untouchables as mean. No, Sir, the untouchables, the poor depressed classes have been ridden by so much worship that even if the Raja Bahadur should ask them to throw water upon him, they will not do so. Stand back from these blasphemous attacks on the poor untouchables. The untouchables feel, as Mr. Srinivasan, whom the Raja Bahadur quoted, himself an untouchable, said "The untouchables themselves do not want that untouchability should be removed". They love their chains. Themselves and the chains of ages have grown friends and they do not want to break those chains. We want to break them. We want to do *prayashchit* for the sins of our ancestors, we want to elevate this nation from its position of untouchability. We are unfit for freedom, we are unfit for social intercourse and equality with other nations, and unless we abolish this untouchability, we have no right to stand upon a foreign platform and say: "we want our country to be free" because the foreigner points out "have you not got 45 millions of untouchables in your own land?" I love my country, to me my country is greater than my religion and I will say, bury religion in the bowels of the earth if religion stands in the way of the release of these people from the chains of superstition. (Applause.) Religion is blasphemy when it says that 45 millions of people must be treated as dogs and worse than dogs. The Raja Bahadur can have a dog in his drawing room, but he cannot have an untouchable, and that, in the name of religion. It is not religion, Sir, but it is inhumanity. It is not the religion of the Vedas as I understand it. It is not the religion of the Vedas as Swami Dayanand Saraswati interpreted it, it is not the religion of the Vedas as Ramanuja taught, for did not Ramanuja say: "Be not salvation with the low, to hell and misery you go".

It is all well and good for the Raja Bahadur to stand up and mislead this House in the name of caste, tyrant custom that eats up sense.

Raja Bahadur G. Krishnamachariar: Would my Honourable friend accept what Ramanuja said about his favourite people. Will my Honourable friend accept the authority of Shankara? In his *Bhashya* on the *Brahma Sutras* in the Chapter headed "*Apa Sudra Adhikarana*", he says "they are walking *smasanas*". Let my friend read what Shankara says. It is not I that tell him so.

Mr. C. S. Ranga Iyer: Shankara was walking in the neighbourhood of a *smasana*, the *smasana* of Harishechandra in the Holy Kashi. When an untouchable was walking by the side of Shankara, what did the untouchable say and what did Shankara say in reply? The Raja Bahadur must not try to mislead me. I understand something of my religion.

Raja Bahadur G. Krishnamachariar: Have you read this *Bhashya*?

Mr. C. S. Ranga Iyer: I would ask him also to go and interpret the *Bhashya* in the light of the Vedas and then he will understand that untouchability is not approved. He talks of Shankara. I would ask him to read Shankaracharya's *Advaita* philosophy, and if he reads it, if he understands that philosophy, and if he understands the interpretation of that philosophy by Shankara, he will speak of the oneness of mankind; he will speak of the fraternity and the equality and the divinity of mankind and not try to say that unless they cross the fire, unless every untouchable is like Nanda, he will not carry him on his shoulders, but he would rather admit a prostitute or Brahmin or caste non-Brahmin black-guard or rascal into the precincts of the temple. A Brahmin or a non-Brahmin caste Hindu can be a rascal, he can be a thief, he can be a villain, he can be a murderer, but a religious-minded untouchable cannot enter the Brahmin street, much less into the temple. It is ridiculous for a learned and educated man to talk in that strain in these times when religion is finding itself. It is certainly. . . .

Raja Bahadur G. Krishnamachariar: Education does not consist in calling your fathers fools; we will have wiser sons who will repeat the compliment to us.

Mr. C. S. Ranga Iyer: I agree; education does not consist in calling your fathers fools, and I do not want that these gentlemen should in actual practice treat the Vedas as foolish, the Vedas which do not preach or allow the practice of untouchability. From their fathers I want them to go to their forefathers, the originators and the progenitors of the Hindu religion. I want them to go far back, instead of wallowing in the mud of Snritis. And then he talked of education, he mentioned education even now. What is education and what is religion? Religion is the manifestation of the divinity already in man. And the Kingdom of God is within you, say the Vedas. Manifest that kingdom within you. It was Swami Vivekananda's interpretation of religion as "the manifestation of divinity already in man". And what is education? We are like marble in a quarry, and every ornamental spot and vein in the body is brought out by education. I want people to be educated either on the western or, at any rate, on eastern lines. But some education, not this purblind persistence in a melancholy age-old habit. In the name of custom they are clinging to this corpse of untouchability. Its stink has become unbearable, the corpse has got to be cremated.

Pandit Satyendra Nath Sen: Since when?

Mr. O. S. Ranga Iyer: It has been unbearable for years.

Pandit Satyendra Nath Sen: Since September before last?

Mr. O. S. Ranga Iyer: No. Why did Buddha take up arms against Hindu religion as practised? Was it in September before last?

Pandit Satyendra Nath Sen: Was Buddha successful in his mission?

Mr. O. S. Ranga Iyer: Buddha was successful in his mission, so successful indeed that every Hindu calls him an *Avatar*. And his success has gone even further than India. China and Japan have accepted Buddhism, while Buddhist missions

Raja Bahadur G. Krishnamachariar: I wonder whether my friend has read Japanese history during Buddha's period. A class of people still exists there who are the most untouchable class, and yet Japan has become a very great Empire and have their own political rights. Has my friend looked into Japan's ancient history?

Mr. O. S. Ranga Iyer: If my friend reads Japanese history, he will find the part that Buddhism has played in it and he should also read Hindu history, because I am more concerned with India than with Japan whether in commercial or in religious matters. I would ask him to read Hindu history and the part that Buddha played in the annihilation of untouchability and unapproachability. He shook the foundations of Hindu superstition. And after achieving his purpose, Buddhism migrated abroad leaving the Vedas in all their sacred purity. That is where Buddha left Hinduism. It is true that Shankara followed Buddha, but Shankara's *Advaita* philosophy again accepted Buddhism. At any rate Buddhism in practice is really *Advaita* philosophy, and even the Raja Bahadur cannot deny that. What is really his argument? Custom and habit. Here I will present him,—because he has a weakness for English poets,—with two quotations:

"Ill habits gather by unseen degrees,
As brooks make rivers and rivers run to seas."

And today the Mahatma has taken up arms against the sea of untouchability and hopes, by opposing, to end it.

As for custom,

"Ill customs by degrees to habits rise,
, Ill habits soon become exalted vice."

And that is why the Smritis grew to their present bulk from the original Smritis and that is again why we are tenaciously clinging to the vice of untouchability.

And now I come to the question again of economic uplift. My father in his estate had a "brahmin untouchable", because there is a class among untouchables called *Ezhavas* who are Brahmins among untouchables, as his *kudian* or tenant. This *kudian*, a very humble man, became a very wealthy man, but still, as my father's tenant, Sir, double the distance between you and me used to be the distance between my father and his *kudian* while they were discussing the affairs of the fields and the farm.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Not so much as that.

Mr. C. S. Ranga Iyer: I am talking of what happened when I was a young man. I know the distance has dwindled now.

Pandit Satyendra Nath Sen: Then why all this fuss?

Mr. C. S. Ranga Iyer: To help the distance to dwindle still, to help my friends to raise their voices like a grasshopper. (Laughter.) And, then, again, we have in Malabar the *Thiyas*. The *Thiyas* are an economically uplifted community and their girls and boys are educated. They are over-educated, they are Anglicised. But they cannot go to the Raja Bahadur's temple unless he gets a mandate from his *Bhagwan* to carry them on his shoulders. They are too good to ride on an old man's back. They would rather enter the temple as the Raja Bahadur himself enters the temple, they would exercise their rights as the Raja Bahadur himself exercises his rights as a free born citizen. Sir, he quoted Pandit Madan Mohan Malaviya, who said that no force or compulsion should be used, but resort should be had to peaceful persuasion. Sir, is there anything more peaceful in this world than this docile Assembly? And is there any one more persuasive in this House than the Raja Bahadur's own Secretary? We are really resorting to peaceful persuasion. (Laughter.) And he again quoted the Mahatma as having said somewhere, I think he said at Raipur, that "if you do not abolish untouchability voluntarily, force will be resorted to". He said, is this not a violation of the Bombay Conference resolution? In the first place, he cannot accuse the Mahatma of having violated that resolution, for, the very fact that the Mahatma is touring the country has proved that he is resorting to peaceful persuasion.

Raja Bahadur G. Krishnamachariar: After inciting you to bring this Bill here.

Mr. C. S. Ranga Iyer: That, again, is peaceful persuasion. It is peaceful incitement. (Laughter.) And if he reads the words that he quoted he will find that the Mahatma refuses at a later stage to treat the Bombay Conference resolution as the laws of the Medes and he would like to alter it. His words are these: "*If you do not abolish untouchability voluntarily*".—the emphasis is on these two words "if" and "voluntarily".—"I will resort to force". Why not? If a minority is to block the path, why not resort to force? Either the force of law as we are resorting to here or the force of Satyagraha, the soul force, the force of God in man which even the Raja Bahadur will be compelled to respect as he respected Mahatmaji's fast. . . .

Raja Bahadur G. Krishnamachariar: Not Chauri Chaura; not that kind of soul force.

Mr. C. S. Ranga Iyer: and soul force will succeed in the task of removing untouchability, because its object is to melt your hearts. I know even the orthodox people have a heart: only the superstition clouding their minds from the Vedas has got to be removed: it is suffocating their hearts. The Raja Bahadur quoted Rajagopalachari. I wish he had completed the quotation. I miss Rajagopalachari today. He was

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watching our debate from the gallery on a former occasion: today he is watching this debate through the loopholes of his unfortunately enforced retreat; and if he had quoted from that pamphlet, he would have found that what Rajagopalachari wants is to take away the support of law for upholding something really unlawful, namely, untouchability, and certainly inhuman

The Raja Bahadur quoted Sir Thomas Strange. Sir Thomas Strange was a great man, of whom he spoke almost with a certain amount of, shall I say, lightness of heart—I shall not say disregard. Sir Thomas Strange was a highly respected Judge of the Madras High Court: he was honoured by his contemporaries. I know from family conversations he was honoured by my grandfather, himself a Judge, a great friend of Sir Thomas Strange. The Raja Bahadur quoted Sir Thomas Strange as having said: "Oh, this Hindu society is a mass of confusion. You can never reconcile one dictum of the Hindu law with another". Is it not true? Is not this Hindu society a mass of endless confusion? Can you not quote one book contradicting another? He says "Sir Thomas Strange has been exploded": but the Hindu society is exploding itself: it lives through a series of explosions and, were there not these explosions, Hindu society would have died. He said "old institutions are dying out", and he condemned the extraordinary system of education. Whether the system is extraordinary or ordinary, he has got to reap the consequences of that system. Old institutions must die if they will not live through change:

"The old order changeth yielding place to new;
And God fulfils himself in many ways,
Lest one good custom should corrupt the world."

Here it is a case of one bad custom corroding the soul and degrading society. If he wants old institutions to live, let them change with the times. He said "untouchability is part of eternity": probably he wants it to live through time! But surely untouchability is not part of eternity: as it had its origin in some selfishness, vanity and conceit of high-caste people, both Brahmins and non-Brahmins, so must it have an end; every affliction has a termination.

Sir, I have done. I hope this Bill will be taken to the Select Committee and discussed. I do not want circulation; it is a clever trick of the Government to join hands with orthodoxy to circulate and circulate, like "promise, pause, prepare, postpone and end by letting things alone". But Hinduism and Hindu society are today no longer things which can be ignored; we want to unify our community by purifying our religion; and neither Raja Bahadur Krishnamachariar nor all the bureaucratic reactionaries sitting on the Treasury Benches can stand between us and the light of the world. (Applause.)

The Honourable Sir Brojendra Mitter (Law Member): Sir, a great deal of learning has been displayed and a great deal of heat has been generated in the course of this debate

Mr. N. M. Joshi: It is a cold day, Sir.

The Honourable Sir Brojendra Mitter: Unfortunately, the legal aspect of the Bill has been completely ignored. I propose to examine the Bill

from the legal stand-point, so that, if the Bill goes into circulation, the attention of persons, who will consider it, may be specifically drawn to the points which I raise.

The Preamble says in effect that social customs and usages have imposed disabilities on certain classes of Hindus, commonly known as depressed classes, that in certain matters these disabilities have been legally recognised by Courts in the adjudication of rights and duties—and that these disabilities are repugnant to modern conditions and, therefore, they should no longer be recognised or enforced, but should be discouraged. According to the Preamble, the source of the disabilities is custom and usage; and the wrong which is sought to be remedied is the recognition and enforcement of the disabilities by Courts. I may say at the outset that amongst Hindus custom and usage have the force of law. The first point which occurs to me is that there is no indication in the Preamble, or, for the matter of that, in the Statement of Objects and Reasons or in the body of the Bill, as to what the disabilities are. Some disabilities have been mentioned in the course of the debate, but we are not considering the debate, we are considering the Bill. What are the disabilities we are asked to remove? The Bill throws no light on that point. We are told that disabilities have arisen from custom and usage. What customs? No indication has been given in the Bill as to what the customs referred to are. Are they territorial customs or are they tribal customs? Are they class customs or family customs? What are the customs we are dealing with? The Preamble says "disabilities arising from customs", and we are asked to take steps to have these unknown disabilities arising from unknown customs removed. We know that Hindu Law in different parts of India is not the same. There are at least four different schools of Hindu Law, and these four different schools of Hindu Law have arisen from various sources. One of the sources is commentaries; another source is custom which has the force of law. We are asked to remove disabilities arising from customs. No differentiation is made between the different schools of Hindu Law or how much of Hindu Law in any school is based on texts or how much is based on custom. We are not told which portion of the custom has to be removed and what the effect of such removal would be on the rest of the law prevalent in that province. On these questions, the Bill throws no light: nor do the Statement of Objects and Reasons, nor the speeches which have hitherto been made. You remove a certain part of the law. What is the bearing of that removal on the rest of the law? Unless you get a complete picture, you cannot deal with parts in this haphazard fashion. You take away one brick from an arch—what will be the effect of the removal of that one brick upon the whole arch? You have to see to that. Therefore, Sir, before the House accords its sanction to this Bill, the House must know what it is doing. It is not a matter of enthusiasm only. Law reform, reform of personal laws, personal laws which have existed in this country for centuries, is the business of experts, and not the business of mere enthusiasts

Mr. N. M. Joshi: Is it not the business of the legislators?

The Honourable Sir Brojendra Mitter: It is the business of legislators, but legislators must be guided by experts, and that is why,
 12 NOON. whenever any serious piece of legislation is undertaken, an expert Committee is usually appointed to go into the matter, examine it from all aspects and make recommendations, and those recommendations form the foundation of a serious Bill

Mr. C. S. Ranga Iyer: Why not bring your experts to the Select Committee for the benefit of laymen?

The Honourable Sir Brojendra Mitter: I shall deal with that presently. This Bill is so vague and indefinite in its scope, in its effect, that no amount of expert assistance can improve it, because we do not know what the Bill means. That is my point. I am analysing this Bill,—I am going to show that in its Preamble as well as in its operative part, it is so loose and nebulous that we do not know what we are dealing with.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Why can't this indefiniteness be made definite?

The Honourable Sir Brojendra Mitter: The Preamble is restricted to what has been termed the custom of untouchability. We have heard descriptions of untouchability. Mr. Ranga Iyer gave us a picture. We have got some vague general ideas,—some people are treated as untouchables, they are not allowed to touch people or to go into the drawing room of the Raja Bahadur, and so on, but these are all general descriptions. When we are legislating, we ought to be definite, we ought to be precise in our ideas. That is my point. In the body of the Bill the custom sought to be removed is restricted to what has been termed the custom of untouchability, but when you turn to the Statement of Objects and Reasons, what do you find? "The custom of segregation of certain classes as outcastes and untouchables." Sir, if the classes whom custom has outcasted are to be brought back into caste, into what caste does the Bill say they are to be brought? We know the Hindu social order is based upon four castes. The Bill is silent on the point as to the caste which is to be assigned to the people who, under the provisions of this Bill, will cease to be outcastes?

An Honourable Member: Mr. Rajah's caste.

The Honourable Sir Brojendra Mitter: Sir, one or other of these castes must surely be assigned to the people whom you are bringing back into caste. I doubt whether the author of the Bill ever applied his mind to this aspect of the case.

Mr. N. M. Joshi: We are all against caste.

The Honourable Sir Brojendra Mitter: Sir, it is not a fanciful difficulty by any means. In the Statement of Objects and Reasons, I find the disabilities referred to are "social and other" disabilities. Now, here again there is the use of loose expressions like social and other disabilities. What are these other disabilities?

An Honourable Member: Marriage.

The Honourable Sir Brojendra Mitter: Do these "other disabilities" include legal disabilities?

Mr. N. M. Joshi: May be.

The Honourable Sir Brojendra Mitter: It is well known that the personal laws of Hindus provide different rules for different castes with.

regard to almost all their social institutions like adoption, marriage, inheritance, maintenance. In all these different branches of Hindu Law, you will find that the law differs according to the caste. I will give the House one or two illustrations. Take the case of adoption. A Brahmin may not adopt his sister's son, whereas a Shudra may. In the case of marriage, Brahmins have to perform certain ceremonies which are not incumbent upon Shudras. Different ceremonies, different rites, different rituals are prescribed for different castes. In the matter of inheritance and in the matter of maintenance, the law differs according to caste. Sir, when I was talking of the differentiation of castes and when I was talking of an outcaste ceasing to be an outcaste, it at once became a material question as to the caste you were going to ascribe to the person who ceased to be an outcaste. This Bill gives no indication whatsoever on that point.

I think my friend, Mr. Joshi, interrupted me and said—we are out to abolish all castes. Is that the scope of the Bill? The scope of the Bill, as I find it, is to remove certain disabilities and to remedy the wrongs which the Courts have done in recognising customs. Does that go to the length of removing all castes? Sir, the caste system, good or bad, is the foundation of the Hindu social order. Is it intended by this Bill that this Assembly is called upon to remove all castes and to subvert Hindu society as it is now constituted?

Mr. D. K. Lahiri Choudhury (Bengal Landholders): Even Government wish to maintain the caste system.

The Honourable Sir Brojendra Mitter: Is that the intention of the Bill?

Mr. N. M. Joshi: It is a step.

The Honourable Sir Brojendra Mitter: Sir, a supporter of the Bill, a friend of mine, with whom I discussed this matter and to whom I pointed out the vagueness of the Bill, its implications, its want of provisions, told me: "Why do you submit the Bill to a legal microscope? Do not examine it so closely; all we want is that there are certain disabilities with regard to public wells, roads, temples, schools, and so on, from which the untouchables suffer, and it is these disabilities which we want to have removed". I can well understand that, and that was, if you will allow me to mention it, the scope of the Bill which you introduced in this House about three years back. Here I have a copy of that Bill. That was definite enough. What was sought to be done was, first, to remove certain disabilities with regard to sharing the benefit of religious or charitable trusts,—and, secondly, disabilities with regard to sharing the benefit of a convenience, utility or service dedicated to or maintained or licensed for the use of the general public. One can well understand a definite, clear-cut disability which is sought to be removed. Is this that Bill? Here you are to remove all disabilities which arise from customs. What does it mean? The words, in the Statement of Objects and Reasons, "social and other disabilities" cover much larger ground than mere civic disabilities which your Bill wanted to deal with. Even according to the narrow construction which my friend put to me that it is civic disabilities like disabilities with regard to temples, roads, wells, schools, etc., which it is the intention of the Bill to remove, there are formidable difficulties which ought to be considered before the House can be called upon to accord its sanction to the provisions of an indeterminate

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Bill like this. I need not read clause 2 of the Bill, but I shall refer to one or two passages. What is sought by this clause to be removed is penalty, disadvantage, disability or discrimination—based upon the fact of a person belonging to an untouchable class. In this clause, these penalties disadvantages, disabilities and discriminations are traced to three sources. The clause says: “Notwithstanding anything contained in any existing enactment, regulation or order”—that is the first source. The second source is “notwithstanding any custom or usage”, and the third is “interpretation of law”. Let me examine these three sources. Take the first one. Is there any indication either in the Statement of Objects and Reasons or in the Bill or in the eloquent speeches that have been made here as to what the enactments are which we are seeking to repeal, as to what the regulations are, or what the orders are? None whatsoever. What does an enactment mean? Enactment is, shortly speaking, law. What is the law, in what year was it passed, who passed it, is it law as laid down in the text books of the Hindus, is it law promulgated at the time of the East India Company, or since the Crown assumed charge? What law?

Mr. C. S. Ranga Iyer: Several judgments in certain cases when the untouchables entered the villages of Brahmins in Malabar.

The Honourable Sir Brojendra Mitter: That is neither an enactment, nor a regulation, nor an order. That comes under the third source, that is, interpretation of law. I have not overlooked that. I am now on the first source that is existing enactments, regulations and orders. We are asked to get round some existing enactments, some existing regulations, some existing orders. This is the second or third day we are debating this Bill. Has any Member of this House at the present moment got any idea as to what existing enactment we are asked to amend or what existing regulation we are asked to repeal or what existing order is so oppressive that it must go? We do not know. We are asked just to rush like a bull into a china shop. . . .

Mr. C. S. Ranga Iyer: The law that prevents an untouchable from entering a temple.

The Honourable Sir Brojendra Mitter: What is that law? When was it passed?

Mr. C. S. Ranga Iyer: The law that exists.

The Honourable Sir Brojendra Mitter: What is the name of that Statute? When was it passed?

Mr. C. S. Ranga Iyer: The Honourable Member ought to know that if an untouchable were to enter a temple of the Raja Bahadur, he would be put into prison. Under what law he ought to know.

The Honourable Sir Brojendra Mitter: Sir, there is no such law, so far as I am aware; and in the absence of any information given by any supporter of this Bill in this House, in the absence of any references given to me, I am entitled to presume that no such law, enactment, regulation or order exists. And before I give my vote in favour of the Bill, I should like to know what law I am called upon to repeal. I now come to the second of the sources—custom and usage.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): As regards the last question, is there not a law of trespass when a man enters into the temple of another?

The Honourable Sir Brojendra Mitter: I should like either Mr. Mitra or Mr. Ranga Iyer to inform me under what section of what Code an untouchable going to a particular place can be prosecuted for trespass. I get no information whatsoever. My complaint is that we get no information either from the Statement of Objects and Reasons or from the Bill or from any of the passionate speeches which have been made in this House. Before I can answer my Honourable friend's question, I should ask him to give me reference to the particular section of the particular Code.

Mr. S. C. Mitra: Criminal trespass is under the criminal law.

The Honourable Sir Brojendra Mitter: Are we called upon to amend any section of the Penal Code? Is that the intention of this Bill?

Mr. C. S. Ranga Iyer: No. The intention of the Bill is just to create a law which will stand against the lawless law of custom and usage.

The Honourable Sir Brojendra Mitter: That is journalese; that is not argument.

[At this stage Diwan Bahadur Harbilas Sarda rose in his seat.]

I do not give way. The next source is custom and usage. I have referred to the wording of the Bill and the wording in the Statement of Objects and Reasons where customs and usages are vaguely referred to. Are these customs and usages based upon religion, or are they independent of religion? I do not know. The Bill throws no light on it.

In this connection, take the question of temple entry. I am not evading any point. Take the question of temple entry. I shall assume that by custom a person, who belongs to an untouchable class, is not entitled to enter a public Hindu temple. Just examine it for a single moment. According to books, which Hindus hold in veneration, meticulous provision has been made for the admission of people belonging to different castes to different parts of the temple. For instance, a Brahmin can enter the innermost shrine of a temple. A Shudra may go up to a certain point in the temple, but may not go into the innermost shrine. That is laid down in what the Hindus regard as sacred books regulating worship in temples and entry into temples. Now, suppose by this Bill you remove the disability from a person belonging to the untouchable class, he is to be under no disability whatever so far as temple entry is concerned. Is he entitled straightaway to go into the innermost shrine which none but a Brahmin may enter, either according to the sacred books of the Hindus or according to custom—it is immaterial for the purpose of my present argument which. You want to remove the disabilities of the untouchable. Either by the law of the Hindus or by the custom of the Hindus, people belonging to different castes have access to different parts of the temple. When this disability is removed from the untouchable, is he to have the right of the Brahmin to enter the innermost shrine or is he to have only so much right as a Kshatriya enjoys or a Vaishya or a Shudra enjoys. What is it that is contemplated by this Bill? That is why I say, before this House casts its vote one way or the other, the

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House is entitled to know what it is that this Bill attacks. Are these undefined customs based upon religion or are they independent of religion?

Mr. C. S. Ranga Iyer: Misapplied religion.

The Honourable Sir Brojendra Mitter: Again, this disability, which is sought to be removed, is it complete disability or partial disability? Even caste Hindus are under partial disability. A Brahmin has got all the rights. The next three castes are under partial disability in different degrees. Now, what is it that we are asked to do? Does the Bill throw any light on it? None whatsoever. There is much heat, but little light either in the Bill or in the debate.

Mr. C. S. Ranga Iyer: There is lightning outside.

The Honourable Sir Brojendra Mitter: My complaint is that this Bill is much too vague and much too indefinite for serious consideration. I come now to the third source of disability, that is, interpretation of law. Neither in the Bill nor in the Statement of Objects and Reasons is there any reference to any particular case or code. We know that interpretation of law has been made by judicial decisions as well as by commentaries. What book or decided case has imposed disabilities or recognised disabilities, and which commentary or judicial decision are we called upon to set aside? Here, again, my complaint is that no information is given to this House by any of the supporters of the Bill.

Mr. C. S. Ranga Iyer: I thought the Law Member was aware that there have been cases in which untouchables who entered certain *agraharams* in Malabar have been punished.

The Honourable Sir Brojendra Mitter: I should like to have the reference. If I had the reference, then I could discuss that matter. What are the facts of that case? Supposing a man has been punished for trespassing upon another man's ground, I want to know whether the punishment was for infringement of the ordinary law of the land or for infringement of an oppressive custom. Unless the case is before us, we cannot judge whether the decision was a right decision or a wrong decision or what the basis of the decision was. Was the basis of the decision the ordinary law of the land or any local or special law or any general or special custom? We know nothing about it. What decision are you going to set aside by legislation?

Raja Bahadur G. Krishnamachariar: It was a private *agraharam* in this case.

The Honourable Sir Brojendra Mitter: One Honourable Member says that there is a decision somewhere in Malabar of some Court. I do not know whether it is a binding decision. Is it the decision of a Munsif or of the High Court? Is it a decision, as the Raja Bahadur says, dealing with private rights? Unless we know what interpretation of law is complained of, it is impossible to examine the point. That is my complaint.

Mr. O. S. Ranga Iyer: Does the Honourable the Law Member really want an accumulation of cases of law breaking—either forcibly going into the temples or certain village *agraharams*? If he wants it, I am quite willing to go into the country and start *satyagraha*.

The Honourable Sir Brojendra Mitter: I do not want anything of that kind. What I do want is that, before I am called upon by legislation to reverse a decision of a Court, I should like to know what that decision is. (Interruption by Mr. Ranga Iyer.) I do not give way any more. I have already given way sufficiently. Let me finish my argument. My whole point is this, that this Bill is much too vague and indefinite. It asks us to remove something without any indication of what that something is. What is the effect of that removal upon the rest of the law which regulates the life of the Hindus? The whole of this Bill seems to me, if I may say so without offence to Mr. Rajah, to be pious propaganda and not a serious attempt at legislation. It is treating this House much too lightly.

I shall now deal with the operative portion of clause 2. It says this: no penalty, disadvantage or disability shall be imposed upon or any discrimination made or recognised against any subject of the State on the ground of untouchability. Here, again, I ask, no "penalty, etc.", imposed by whom?

Mr. N. M. Joshi: By custom.

The Honourable Sir Brojendra Mitter: The language of the clause does not warrant that construction. I have already shown that these disabilities are attributed to three sources, enactment, custom and interpretation. There is no limitation here. It is not confined to custom, as Mr. Joshi in his innocence seems to think. Sir, here it says, "no disability imposed . . .": I want to know "imposed by whom"? The language is unrestricted. It may be imposed by a private individual. Now, I shall examine that. No disability imposed by a private individual on the ground of untouchability will be recognized or enforced by any Court. Now, supposing a Hindu with his own money establishes a fund and in the deed of trust he provides that this fund will be available for Brahmin boys only, and any boy belonging to the untouchable classes will not have the benefit of this fund. By his trust deed he is imposing a disability upon untouchables. Is it intended by this Bill that that disability must not be recognized or enforced by any Court of law, that is to say, that any untouchable can go to Court and get a mandatory injunction compelling the trustees to extend the benefit to untouchable boys? Sir, the wording of this clause lends itself to that construction. I am prepared to believe that such could not have been the intention of the framer of this Bill, but I am not concerned with the intention at the back of the framer's mind; I am concerned with the language which he has used. After all, every law is construed by the language used and not by the unexpressed intention of the framer. Sir, if my interpretation be correct, then the imposition of a disability by a private individual will be disregarded by Courts under this Bill. Then, what happens is this. By this Bill you are saying, in effect, that a man is not the owner of his own property.

Mr. Gaya Prasad Singh: That is not the intention.

The Honourable Sir Brojendra Mitter: My Honourable friend, Mr. Gaya Prasad Singh, says that is not the intention, but any Court, which knows anything about law, construing this clause will have to say that this clause is wide enough to cover a case like that. I say that being so wide as that, it trenches upon the law of ownership. Sir, what does ownership mean? It means this. I am the owner of a property if I have possession of my property, if I am an unrestricted user of that property and if I have the right of unlimited disposition of that property. These are the three elements which go to make up ownership. This Bill cuts across the right of ownership. It limits ownership. A Hindu, with his own money, erects a temple, and by the deed of dedication he provides that the temple is intended for Hindus generally, subject to this that no untouchable shall be allowed to enter it. Under this Bill, that limitation will be disregarded by the Courts. What does it mean? It means that a man may not dispose of his own money in any way he chooses, but only in the way in which Mr. Ranga Iyer chooses. Therefore, I say that the Bill as drawn cuts across the right of ownership, it cuts across the law of trusts. No one in this House desires that any class of Hindus should suffer under civic disabilities. Everyone desires that, so far as civic rights are concerned, all should be on a footing of equality, and any measure ensuring to the untouchable classes equality in civic matters, such as the Bill which you, Sir, introduced, would, I am sure, have had the support of everybody in this House. But this is not that Bill. The language of this Bill, as it stands, is vague and indefinite and, in parts, it means nothing. In other parts it goes so far afield as to violate well-established principles of law. It cuts across the principle of ownership. It cuts across the principle of the law of trusts. These are matters which, if this Bill goes into circulation, ought to engage the attention of people who will give their opinions. I have pointed out some difficulties. My intention is not to defeat the Bill. I will say frankly that if the Bill in its present shape were for consideration, then I would have opposed it. But if this Bill goes into circulation, there are points to which people expressing their opinions would apply their minds. I hope that when opinions are received on this Bill the difficulties I have raised will be solved.

Mr. C. S. Ranga Iyer: Why not go into Select Committee?

The Honourable Sir Brojendra Mitter: Sir, in Select Committee you cannot alter the Bill without knowing what is really intended. As I have already said, enactments are to be repealed without knowing what enactments are to be repealed. How can I go into Select Committee? One Member may say,—“I want enactment A to be repealed”. Mr. Ranga Iyer may come with a catalogue of 35 enactments to be repealed. What are you going to do in Select Committee? In the Select Committee, what are you going to do with unknown customs and usages? As I have said, these customs and usages may be based upon religion, or they may not be based upon religion. What are we going to discuss there? What disabilities are we going to discuss in Select Committee? Are these civic disabilities, or religious disabilities, or disabilities arising out of the personal law of the people? One Member read this Bill as involving the abolition of the caste system altogether. I find the Statement of Objects and Reasons merely wants to bring the out-castes into caste. Then the question arises, what is the intention of it all? Into which caste are you going to bring these out-castes? These questions cannot be discussed in

Select Committee unless and until the principle of the Bill is accepted by this House. What is the principle of this Bill? Sir, I do not find any definite principle. There is a sort of vague aspiration in this Bill, but no definite principle. Until you are committed to a principle, the question of Select Committee does not arise. (Applause.)

Diwan Bahadur Harbilas Sarda: Sir, I rise to support the motion of my Honourable friend, Rao Bahadur M. C. Rajah. Before I go into the details of the Bill, I wish to say a word or two with regard to what the Honourable the Law Member has said just now. The Honourable the Law Member has said that Hinduism or Hindu Law is like an arch, and if you remove one brick from that arch, the entire arch gets into a shaky condition and is liable to fall down. This, Sir, is a most fallacious argument. Hindu Law, Hindu tradition or Hindu culture is not an arch; it is a magnificent building, each part of it is strong enough to stand by itself. You assume a wrong thing and then try to prove that, if a certain thing happens, the whole thing will topple over. Hindu Law and Hindu customs have existed for several thousand years and, during this time, many changes have taken place. Several laws which obtained at one time have ceased to exist, several new things have been introduced, but the Hindu Law and the Hindu society still remain. If the Hindu Law or the Hindu society were an arch with the key-stone as is supposed by my Honourable friend, the Law Member, it is, then it would have toppled over any number of times. It would have been non-existent by this time.

The Honourable the Law Member says that the Bill may be circulated. He has not given his reasons clearly, but he opposes the motion to send the Bill to the Select Committee on the ground that it is indefinite. He says, let the opinion of the Hindu public and of others be elicited by circulation and then we will deal with it. Sir, the Bill will itself remain as indefinite even after circulation as it is today. If he cannot deal with it now, he will never be able to deal with it after circulation. Now, what is the object of the circulation? The object of the circulation is plain. This Session is going to end in March. The Autumn Session of the Assembly in Simla will be a short one lasting for three weeks or so as is always the case. Only two days are fixed there for non-official Bills. So, if this Bill is circulated and the public opinion is collected and is placed before the House, and then referred to a Select Committee, there will be absolutely no chance of this Bill ever coming up for consideration before the Assembly.

The Honourable Sir Brojendra Mitter: My friend is accusing me of things which I did not say. I said in case it goes into circulation, my difficulties may possibly be removed. But if my friend accuses me of supporting circulation with a view to killing this Bill, I am quite willing to take a direct vote here and now on this Bill.

Diwan Bahadur Harbilas Sarda: I know he is quite willing to take a direct vote of this House now, and that is the reason why the Government of India removed this measure or this piece of legislation from the purview of the Madras Government and brought it to the Assembly. Why was this done? I will answer this question as well as the question of my Honourable friend, Mr. Ranga Iyer, by one answer. My Honourable friend, Mr. Ranga Iyer, asked that when untouchability in its most acute form was only prevalent in Madras and this measure was sought to be

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introduced in the Local Legislature of that Presidency, why did the Government intervene? Why did they take it away from the purview of that Legislature and bring it into the Assembly? The answer to this probably is furnished by what my Honourable friend, the Law Member, has said. They knew it that the measure would be passed in the Madras Council without any difficulty and they knew also that in this Assembly they predominated and they would not allow any measure to be passed which they did not like. That is the reason why this was done. Sir, when the Child Marriage (Restraint) Bill was introduced in this Assembly, the Government of India blocked it for 4½ years and it was only owing to certain exceptional circumstances that the Government of India eventually ceased to block the way. Look at the Madras Council. Without one single dissentient voice, the Madras Legislature passed a Resolution proposed by its distinguished lady Member which declared that that Legislature was of the opinion that no girl should be allowed to be married who was below 16. That Resolution, which is in advance of the provisions of the Child Marriage (Restraint) Act, was passed without a single dissentient voice in the Madras Legislature. Could this Bill also not have been passed there? The Government of India knew that it would probably be passed there and possibly they did not want that it should be passed and, therefore, they took it out of the purview of the Madras Legislature and brought it into this Assembly where they know they can get it rejected.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask the Honourable Member what special advantage the Government of India have in opposing this measure?

Diwan Bahadur Harbilas Sarda: Please ask the Government of India in whose confidence you are: do not ask me.

Major Nawab Ahmad Nawaz Khan: Perhaps you are in a better position to explain that to the House.

Diwan Bahadur Harbilas Sarda: Another thing which the Honourable the Law Member said was that this Bill was quite indefinite and vague. I do not think that the language of this Bill errs in indefiniteness or vagueness more than the language of any other Bill which has been introduced. It is quite plain. There is only one point in this Bill, and that point is that, if by usage or custom, there is any discrimination against anybody solely on the ground that that man belongs to a particular caste or class, that discrimination should not be enforced by a Court of law. That, in a nutshell, is the object of this Bill. That is the principle of this Bill: nothing more, nothing less. And this thing is very definitely and clearly brought out by the wording of clause 2 of this Bill.

The Honourable the Law Member said that the provisions of this Bill cut across the idea of ownership. That is not the case. If a temple is owned by a private person and he used it for a private object, this Bill does not want to interfere with that. Nothing of the kind. (Here the Honourable the Law Member rose to speak.) You did not give way and I am not going to give way to you. The Honourable the Law Member said, suppose a Brahmin makes an endowment and opens a temple and says that it is for the benefit of Brahmin girls or Brahmin women or Brahmin men, or supposing he opens a school and he plainly lays down that it is for

the benefit or use of certain class of people, will this Bill interfere with that or will the disability complained of in clause 2 operate against the owner of that institution? I say, certainly not. Nothing of the kind. This Bill does not aim at interfering with anybody who wants to open a school for a particular class of people or a temple for the benefit of his own people. This Bill does not do anything of the kind. This Bill simply says that if, by public subscription or by a donor, a temple has been established without any definite instruction as to the exclusion of any particular class of people and if, by usage or by custom, certain classes of people have not been going to the temple and if they now wish to go there, no discrimination by custom or by usage shall be allowed to operate against the use of the temple by those persons. This Bill aims at nothing more. If a donor has made a stipulation or a condition about a certain temple, this Bill does not interfere with that. Let those conditions prevail. This Bill has nothing to do with that. There are hundreds of public temples in every town where it is not laid down that certain classes of people shall not go into those temples, but owing to custom and certain usages and owing to certain circumstances, certain classes of people have not been frequenting those temples, but if they want to go there now, in the absence of any restriction put upon the entry by certain classes of people, this Bill simply says that in the absence of that they should be allowed to go into the temple and the Government should not use their resources to prevent any man from going to the temple. This Bill does not ask the Government to help those people to go into the temple. Not at all. This Bill simply says, if an occasion like that arises, the Government should not use their powers to prevent the entry of the people. Nothing more than that. This Bill and the Temple Entry Bill do not want to coerce the people into allowing them to go into a temple, but simply asks the removal of certain restrictions which have been imposed by custom and which the Government want to perpetuate.

My Honourable friend, the Raja Bahadur, as usual in his speech on this Bill, trotted out the bogey of interference with religion. This plea is always trotted out by people who by some means or other have usurped a position of superiority in the social hierarchy of the nation and who want to preserve that position in spite of the demands of justice and fairness and in spite of the changing circumstances and the altered state of society. I hope the Honourable Member knows that this Assembly will not be deterred from doing its duty simply because somebody says that religion is in danger. You cannot override the just rights of a man in the name of either custom or religion. The Raja Bahadur also says that this Assembly cannot alter ancient law. Sir, nobody can accept that position in that form. It is only the divine law that is immutable as it is not made by man, but any law made by man is liable to be changed and it cannot be immune from change when circumstances require it. Circumstances made it necessary for man to enact a law and, if circumstances change, that law can be and should be changed for the benefit of society. Man is not meant for law, the law is meant for man. If for the benefit of man or for the benefit of society a law is to be changed, it must be changed and it is the duty of all sensible men and it is the duty of this Legislature to change that and change that without delay.

No right of a person is absolute in this world. Every right of a person is subject to the exercise of the same right by another person. Consequently you cannot say that it is my right and no matter what happens

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in this world, I must have that right and Government should help me to exercise that right. If that right interferes with the same right of another person to do the same thing, no Government ought to interfere and no Government ought to help that man in enforcing that right.

The Raja Bahadur attacked Mahatma Gandhi as the originator of this troublesome problem or question of untouchability, and he seems to think that, but for Mahatma Gandhi, no one would have thought of this disability.

Raja Bahadur G. Krishnamachariar: I forgot about you.

Diwan Bahadur Harbilas Sarda: In this my Honourable friend is mistaken. All those who have taken interest in social reform during the last 100 years have been trying to remove certain evils of society. Those who have been trying to purge society of evils, mostly Hindu society in India, have been condemning this evil of untouchability. Long before Mahatma Gandhi came on the scene, reformers, as my Honourable friend, Mr. Ranga Iyer, said, have been trying to remove this evil. Swami Dayanand Saraswati, the great reformer of India, condemned this evil in no equivocal terms. Mahatma Gandhi, in his contribution to the Dayanand Commemoration Volume, recently published, has said "amongst the many rich legacies that Swami Dayanand has left us, his unequivocal pronouncement against untouchability is undoubtedly one". So that Mahatma Gandhi is not the person who has condemned this evil for the first time or who has tried to awaken the public to the danger of the continuance of this evil and asked the public to do away with it. Mahatma Gandhi took up this question only two years ago. The Indian National Social Conferences have passed resolutions against it several times. Presiding at the Lahore Session of the Indian National Social Conference in December, 1929, I said:

"Freedom to enter temples to offer divine worship, use of wells and tanks and public schools, these are the rights of individuals. It is only in this unfortunate country that a man is regarded as untouchable by another. And it is a matter of shame that those who believe in *vasudhaiva kutumbakam* (Mankind form one family), whose Shastras teach them that all men are brethren, and that there is divine essence in every man, woman and child should practice untouchability and regard certain classes of men and women as untouchables. If it is true that '*bani adam azai yak deegrand*', and if all mankind are regarded as forming one family, why should those who follow certain most useful and necessary professions be regarded as untouchables and be looked upon as less than men and women. Everyone has a right to use public wells and tanks and roads; to read in public schools maintained by public revenues; and to worship God in temples. Places of divine worship and temples are places dedicated to the Deity, and as God is the God of all peoples, irrespective of caste or colour, rich or poor, high or low no person or persons can rightfully prevent any other class of persons from approaching the Creator and offering worship in those places. Those who do so prevent people, deny that God is the God of all mankind.

It is of prime importance for the Hindus to do away with the evil of untouchability. It has yet to be realized by them that the future of the Hindus as a community depends to a great extent on a proper treatment of the depressed classes, and on their whole hearted co-operation."

So it is not Mahatma Gandhi who for the first time said that for the well-being of the Hindu society and Hinduism itself it is necessary that this evil should be uprooted. You will see from this extract that this was the view taken by a number of people.

Raja Bahadur G. Krishnamachariar: But they do not come to the Assembly.

Diwan Bahadur Harbilas Sarda: And Mahatma Gandhi did not come to this Assembly. It is one of the Members of the Assembly who has found that the time is ripe for moving in the matter. Child marriage had been in existence for centuries, but it was only in 1925 that I brought this matter up before this Assembly. Is it because the matter was brought up before the Assembly only in 1925 or 1926 that people may say that this evil did not exist before? There are times which are ripe for certain things to be taken in hand and, in the last three or four years, circumstances have arisen which have made it impossible for this particular evil to be allowed to continue longer, and people took it up in right earnest. There are other evils which are still eating into the vitals of Hindu society, but they have not been taken up and the time will come when each one of them will be taken up. If a particular evil is taken up in 1943, it cannot be said that the evil never existed before that year.

His Excellency Lord Irwin, replying to the address presented to him by the Madras Depressed Classes Federation in 1929, touched on this question, and I quote a few words from his speech:

"The world never stands still, and looking at the political, intellectual and economic forces by which it is today being moved, I cannot doubt that a tenet which aims at debarring millions of human beings from concourse with their fellows must in the end prove a grave weakness to Hindu society"

It is not Hindus alone who have become aware of the weakness of the society and the incalculable harm that this evil is doing to that society. His Excellency Lord Irwin among others also foresaw it and gave expression to it.

My friend, the Raja Bahadur, declared that His Excellency the Viceroy was wrong in giving his sanction to the introduction of this Bill in this Assembly, and he said that this should not have been done. Fortunately, His Excellency knows his duty better than the Raja Bahadur does. He knew that withholding the permission would mean denying to the people the exercise of their religious rights. The British Indian law has given legal recognition to the custom or practice of untouchability and all that this Bill asks, is, as I have said before, that this recognition should go. The law recognises a certain thing as a fact and we, who support this Bill, ask that the law shall not do this in future; nothing more than that. This is the sole object of the Bill. This recognition prevents certain classes of people from exercising certain rights which others are permitted to enjoy under the constitution. That being so, those who suffer from those disabilities which the law, as administered in the British Courts of justice in India, have imposed, are fully entitled to have those disabilities removed by all constitutional means; and it is perfectly right that people should use this Legislature for having their grievances removed. Consequently, His Excellency was perfectly right in allowing people to make use of this Legislature. If he had stood in the way, he would have done a great injustice to the people.

Sir, in order to show how pitiable is the state of affairs in some parts of the South from which my Honourable friend, the Raja Bahadur, hails, and to show to what unutterable depths of misery and suffering these people have been subjected by men of so-called higher castes, I will read a passage from a speech delivered by Mahatma Gandhi only three weeks

[Diwan Bahadur Harbilas Sarda.]

ago, on the 7th January. Mahatma Gandhi replied to certain addresses presented to him at Bangalore. From Bangalore he came to Malabar, Palghat being the first place on the programme, and he says:

"Early in the morning I entered Malabar,—with due deference to our friends who call themselves Sanatanists,—the land of iniquities. As I was passing by familiar places, the face of a solitary Nayadi, whom I had seen during the previous visit, rose before my eyes. It was about ten or eleven in the morning when, in the midst of a discussion about untouchability, unapproachability and invisibility, all forms of which are found in no part of the world except in Malabar, a shrill voice was heard. Those who were talking to me said! 'We can show you a live Nayadi.' The public road was not for him. Unshod he was walking across the fields with a noiseless tread. I went out with the friends and saw the Nayadi I asked him to come and talk to me. Evidently he was frightened and he did not know when a blow would descend upon him. Tremblingly he talked to me. I told him that the public road was as much for him as for me. He said; 'It cannot be so. I may not walk on the public road!'"

This is the state into which these human beings have been reduced by the oppression and tyranny of people who belong to the same caste as my Honourable friend, the Raja Bahadur.

Here is a description of these Nayadis:

"Among the untouchables, the Nayadis are the worst sufferers, being the most despised and considered unapproachable and unseeable. Their very sight pollutes the arrogant *savarna*. They are made to live on the little rice thrown at them from a distance by the domineering class. They have been systematically reduced to a sub-human state. The very first morning Gandhiji was taken to Nenchulli, a Nayadi colony. The few Nayadi men and women that had gathered there presented a pitiable sight. They looked at others with vacant eyes that would evoke more horror than pity in the observers. They appeared bewildered at what was happening. They had no speech to express their feelings. They had been so much neglected and terrorised that they perhaps did not believe their eyes and ears. One felt like sinking within one's self with shame at this product of our social tyranny.

Unconscious they in waste oblivion lie,
In all the world of busy life around

No thought of them—in all the boundless sky,
No drop, for them, of kindly influence found'."

The Raja Bahadur, rolling in his Rolls-Royce and enjoying all the pleasures and luxuries which money can buy or which rank can give, condemns the god-like work of Mahatma Gandhi in trying to improve the lot of these wretched beings, those beings whose wretchedness and misery is the result of the oppression and tyranny exercised over them by men belonging to my Honourable friend's community. Sir, an account is kept in Heaven of all the iniquities to which these people are subjected. No matter whether the Raja Bahadur or Pandit Sen or anybody else comes to this Assembly and tries to hide these iniquities under the shelter of religion: let them do what they like to try and ignore these things and hide them from the eyes of the people: but that account kept in Heaven shall have to be settled and the day of reckoning is near. . . .

Raja Bahadur G. Krishnamachariar: I shall get the Assembly to repeal that account.

Diwan Bahadur Harbilas Sarda:

"*Qarib aya hai roz-i-mahshar chhupega kushton ka khun kyonkar
Jo chup rahegi zaban-i-khanjar, lahu pukarega astin ka.*"

"The Day of Judgment is near: How can the blood of the slaughtered be concealed. If the tongue of the dagger keeps silent, the blood on the sleeve will cry out."

Never, never can the Raja Bahadur or even this all-powerful Government silence the voice of history, and inexorable history will record all doings, whether done by great men or small men.

My Honourable friend, Pandit Sen, who hails from Calcutta, declared in his speech that the Government of India were opposed to this measure. The Government of India did not deny this; their spokesman did not get up and say: "The Government of India do not oppose this measure"; and we must, therefore, take it that that is so: still more so after the Honourable the Law Member's speech. . . .

The Honourable Sir Harry Haig (Home Member): The position of Government will be made clear in my speech when I rise later in the debate.

Diwan Bahadur Harbilas Sarda: Though I am not surprised at this attitude of the Government of India, it is a matter of regret to me that they oppose the most reasonable motion of my Honourable friend, Rao Bahadur Rajah, to refer this Bill to a Select Committee. This in plain language means that the Government do not accept the principle of the Bill. Now, what is the principle of the Bill? The principle of the Bill is nothing more than that the law as administered in British Courts in British India, shall not recognise untouchability. This is the principle of the Bill. The Bill asks that the law, as administered by the Courts, shall not recognise untouchability. By opposing this motion, Government proclaim that they shall use all their powers and resources in maintaining this pernicious, this un-Christian, uncivilised and barbarous evil of untouchability. Is this the way that the British Government adopt in civilising this country by perpetuating this custom of untouchability?

Mr. President (The Honourable Sir Shanmukham Chetty): What time will the Honourable Member take to finish?

Diwan Bahadur Harbilas Sarda: One minute or two at the most. Is this the way in which the Christian Government of India are fulfilling their noble mission of civilising this country? Is opposing this thing the work to which they will triumphantly point and for which they will take credit when they next present their report to the people and the Parliament of Great Britain on their noble mission of promoting the moral and material welfare of the citizens of this great country?

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): Sir, I thank you really for giving me an opportunity to express my views on this important subject. Before I proceed to express my opinion on this measure, I should like, in the first instance, to congratulate the Honourable the Law Member for the able manner in which he has placed his views before the House.

[Mr. Goswami M. R. Puri.]

Now, Sir, let me first of all make my position quite clear in respect of this Bill. As far as I am concerned, I have full sympathy for the depressed classes. Sir, I am a rational man, and I know the depressed classes are as much human beings as we Hindus. They are in no way inferior to us. I feel the same amount of sympathy for them as I feel for my own brethren, and I am prepared to help them to the furthest extent of my power. But, Sir, this measure is one which concerns the religious aspects of Hinduism. There are so many aspects of civilization. Politically, socially and religiously there might be some differences, but, as far as the political and social aspect of the thing is concerned, I have no hesitation in saying that we regard the depressed classes as our equals. So far, however, as religion is concerned, it is altogether a different thing. Sir, we want to give them civic rights and social rights, but we do not want them to trespass on our religious rights. As I have already pointed out, Sir, I have very great sympathy for them, but we cannot allow them to trespass on our religious rights. Perhaps it will not be out of place here to mention that this Bill has been recently brought before this House, while we in the Central Provinces realised the defects in our Hindu society long long ago, and I may give the House one example. In the year 1926, when Lord Irwin was pleased to visit our province, I had built a well for the depressed classes in one of my villages, and the opening ceremony of it was performed by His Excellency the Governor, and I was the recipient of congratulations from various parts of the country. This does not show that we have no sympathy for the depressed classes, but, as I said, we do not want them to trespass on our religious freedom. I do not think civilization consists only in entering the temples. There are so many ways of making the depressed classes live a better and healthier life, and, Sir, as most Honourable Members of this House will admit, if this Bill were enacted into law, it would create so many difficulties and obstacles and would endanger peace and tranquillity. It will not only upset the whole of the Hindu society, but it will destroy the principles of Hinduism. I do not understand why my friends want to introduce this piece of legislation? There are certain things which can be thrust into any human being, but there are certain others which cannot be forced into anybody. For instance, if you want me to eat eggs, and if I want to eat them, I will; but if I don't want to eat them, you certainly cannot force them down my throat. It is a question of one's own liking or desire, and Honourable Members must have observed that until today there is no such law as is now sought to be enacted, but in spite of the absence of any such contemplated law, several temples and wells have already been thrown open for the use of the depressed classes, and this is the right and proper method of progress.

Sir, this is not the time for us to divide any more. But I may say without any fear of contradiction that this piece of legislation has been brought here merely to create a division in the Hindu society. Up till now, there was no such usage or custom, and so I fail to understand why, during the present critical period of our history, such a movement as this has been inaugurated. Sir, I hold Mr. Gandhi responsible for this mischievous piece of legislation. Though he is not a Member of the Assembly, still, as every Member of this House knows, he is responsible for this mischievous measure. Sir, I appeal to every Hindu Member of this House not to support this Bill, but to oppose it tooth and nail, so that we may preserve the Hindu society from dividing itself further. Many speakers

have already spoken on this subject, and so I don't think I need say much at this stage. This is not the time for me to dilate on this subject at great length, but when the proper time comes, I shall deal with the matter exhaustively. For the present, however, I oppose the Bill and support the motion for circulation.

Mr. Amar Nath Dutt: Sir, when the atmosphere was cleared up by the Law Member's lucid and sober speech, I say the atmosphere was cleared up, because it was rendered hazy by the smoke and powder of oratorical pyrotechnics of my friend who is sitting to my left,—I thought that everything that could be said about the Bill was thrashed threadbare in a forceful and lucid speech by the Honourable the Law Member, so that everyone could understand it, be he a lawyer or a layman. I thought that it would not be necessary for any of us here to rise to say anything about the Bill. But when I found that such a great scholar as Diwan Bahadur Harbilas Sarda could not be convinced—he at one time held the post of a Judge in a British province, and I do not know whether the saying that the lawyer has to know the law, but a Judge need not, applies to him or not, but I presume that he knows also law, the principles of law at least, to follow the Honourable the Law Member's arguments. But I found that he was not convinced. I do not know, probably it may be due to his not having caught all the words of the Law Member, being a little short of hearing. Even otherwise I think he has that much intelligence to follow him or else how could the life and property of men were placed in his hands in a British province? Be that as it may, apart from the legal aspect of the Bill itself, there seems to be something about which opinion is divided, whether or not it is according to the ancient religion and the Shastras of the Hindus. On the one hand, we have a great scholar like Diwan Bahadur Harbilas Sarda; on the other, we have a Professor of Sanskrit of a Calcutta College. I think he also knows a bit of Sanskrit though it may not come up to the same standard as that of the Diwan Bahadur. I must confess that I am wholly ignorant of the Hindu Shastras and I am not competent to speak about the Shastras. But on the whole I find that my Honourable friend, Mr. Ranga Iyer's knowledge of the Shastras does not exceed that of mine. Both of us are equally versed in the Shastras, but none of us can say that we know the Shastras as we ought to know when saying anything about the Hindu Shastras. Mr. Ranga Iyer was speaking of the Vedas, and he asserted that untouchability was not to be found in the Vedas. I think my Honourable friend must have heard the name of Upanishads. Upanishads are Vedas *par excellence*. You will excuse me if I have not got the original text with me, but I have a translation by my learned friend, Pandit Sen. The Brihaddaranyaka Upanishad says:

“The caste Hindu should not go to an untouchable or visit his habitation.”

The Shukla Yajur Veda Chapter 30, makes mention of the four castes as well as some of the untouchable castes. I wish it gave the names of some other castes so that we could have understood the vehement support given to this Bill. Being incompetent to place the injunctions of the Shastras before this House and the legal aspect having been placed before the House by that eminent lawyer, the Honourable the Law Member, I think I should not waste the time of the House by speaking on these two aspects of the question. But the House will pardon me if I say something about the social aspect which very few of us here have dealt with

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except those who have said that the untouchables are consigned to a life of misery and they ought to be relieved, and so forth. These are all humanitarian points of view. Some of us may have heard the name of that great reformer, *Seababrata* Sasipada Bandyopadhyaya, an ardent follower of Raja Ram Mohan Roy, and the founder of the *Devalaya* at Calcutta, a theistic Church. He brought up his son according to his views and that son is no less a personage than Sir Albion Raj Kumar Banerjee, of whose name many of us might have heard. In his recent book on the "Indian Tangle", it may seem strange that the son of a reformer has given expression to such views—he has expressed them in a very impartial way on this question of depressed classes and also on the question of temple entry, the Bill in that connection having been not before us at the present moment. I may be permitted to quote certain lines from that book, and I do not think I can express myself better than that. He says:

"Untouchability in a general sense exists even in western countries"

Of course, it may be said that two wrongs don't make one right, but when we find that, it exists all over the world, we have to accept it thinking that it is unavoidable, so that the principle that two wrongs don't make one right does not apply here:

"Untouchability in a general sense exists even in western countries. It is the result of a division of classes according to vocation and also according to origin. No doubt, theoretically, on the principle of equal opportunities class distinction is repugnant to modern ideas. But so long as human beings have different habits and customs, and different kinds of work to perform according to division of labour and division of responsibility in the social organisation, there must be difference of treatment due to scruples, prejudices and habits."

That is the principle which underlies the caste system in India, whether you support it or are not prepared to support it. In fact, I remember the state of Hindu society when I was a little boy about fifty years ago. I knew all those gentlemen who had the courage to go to England had to live apart from the other members of their family. They were outcasted and one could not have communication or social relationship with them except privately. But society progresses by fictions and half avowals of truth, and, in the last fifty years, what do we find? We find at least in Bengal that no one is outcasted for having performed a voyage to England, —at least among the caste to which I myself and the Honourable the Law Member have the honour to belong. This is the way in which society progresses. It is not by legislation that you can force your ideals down an unwilling people:

"Human beings are conservative as regards race origin and in adaptation to the degree of civilisation which different groups of nations have attained. The Hindu system being the most ancient and most conservative of all, and having survived through many centuries of change it is not surprising to the student of human psychology and sociology that these differences should continue to exist even in modern times."

Then, Sir, he goes on and gives us instances from trans-Atlantic countries about this caste system which prevails there in another shape. Have we not untouchability in America? America is the land of freedom, the land where democracy prevails and the land where slaves were liberated. 70 years after the abolition of slavery, untouchability of the Negroes is enforced by rigour of law as well as rigour of custom against all the coloured

population of the States. Now, Sir, that is the state of things everywhere in this world. Then, Sir, I ask you to note the following about Sir Albion's personal experience:

"I remember an occasion when I walked along the whole length of a West to East express train and had to go through a carriage exclusively reserved for the coloured people. The atmosphere of that carriage was different and in fact extremely repugnant. I could not have even sat there for a few minutes without being most uncomfortable and uneasy. It is well known that the habits of people, with reference to their diet and clothing, often give them an odour peculiar to themselves. Unless and until the generality of human beings can be standardized with regard to cleanliness of person, clothes and diet, different classes of people following different modes of life and different rules of personal habit and cleanliness, will not be persuaded to associate on intimate terms in close quarters. That is the fundamental reason for a difference in the treatment of the Untouchables in India."

I do not know how my friend, Diwan Bahadur Harbilas Sarda, will like to have some of the sweepers to go to his room and take their seat by his side and demand to sit at the same table. I do not know also whether my friend, the Labour Leader, Mr. Joshi, would like to go into one of those workshops at Lillooah and stay there for more than five hours and enjoy the same meal from the same dish as the labourers there.

Mr. N. M. Joshi: I have always been fighting that the conditions of these people should be as good as mine.

Mr. Amar Nath Dutt: That is the demand that is made by me. Let these people be more clean, more pure and cherish better ideals of life and let them have better conditions of life and then I shall associate with them.

Mr. N. M. Joshi: This Bill will do that

Mr. Amar Nath Dutt: I shall see whether this Bill can do that. As for the standardization of the mode of living which my friend, the Labour Leader, demands, no doubt every one will long for that millennium, when every one will have a Rolls-Royce and every one will have one of those bungalows which are now occupied by Sir Harry Haig and the Honourable Sir Brojendra Mitter. I welcome that millennium, for then I will myself be raised to that level from my humble cottage in my village home, but until that day comes, we cannot compel Sir Harry Haig to live with some of the coolies in the Lillooah workshops. Mr. Joshi thinks that this Bill is so omnipotent that, as soon as it is passed, the labourers of Lillooah will each have a bungalow and live like the Honourable Members of the Governor General's Executive Council.

Mr. N. M. Joshi: Let us try.

Mr. Amar Nath Dutt: In our attempt to try, by passing this Bill, probably we will destroy the very structure of society on which human civilisation has progressed since the dawn of history for the last 2,000 or 3,000 years. Sir, two institutions which have preserved human society and which have led human society to progress and also contributed to their civilisation are the institutions of private property and the institution of marriage.

Mr. N. M. Joshi: They are going away.

Mr. Amar Nath Dutt: My friend says that they are going away. Then do you want promiscuous intercourse amongst men and women and equal division of property? We differ fundamentally in our views about life and society. If that is your idea, let us know, so that we may know where we stand. If it be the view of the reformers that they want to do away with chastity and the rights of private property, that theft will no longer be a crime and adultery not a sin, if they want to say that, let them be bold enough to say that and proclaim it before this House, and we will know where we stand, and many of those, who in their misguided zeal support this Bill, will at once come over to us. I know at least one person who will do so and that is Diwan Bahadur Harbilas Sarda. Does he want division of property and division of women?

Now, leave alone the colour question. There is untouchability even amongst the European races. I need not quote instances. It is sufficient for me to point out the fate of the Jews in Germany at the present moment. Then, Sir, the Englishman likewise has prejudices against Indians, no matter however cultured and however highly born they may be, in their clubs and boarding houses in England on account of colour. My friend, the Diwan Bahadur, may remember his own days when he had the impudence to go to dance in European dance halls without taking his wife there. He felt the humiliation. He was a good dancer no doubt, and he was very much liked at that time. With age, he has learnt to dabble in things about which he does not know as much as he knows about dancing. That being so, it would have been better for him if he had left this piece of legislation where it stands at the present moment. One must realise the significance of the Hindu caste system to understand the cause and origin of untouchability in India, and I think no one can realise it more than Diwan Bahadur Harbilas Sarda himself. It is also strange to observe that even among the depressed classes themselves, there are depressed people who oppress those below them in the social scale and there is the rigour of untouchability there. Here, for my friend, Mr. Rajah's delectation, I will quote one instance of oppression by the depressed classes themselves:

"Amongst the Panchamas themselves, there is more intolerance and hatred between certain groups which are founded on superstition or old traditions of a lower kind."

Sir, I was given a cutting by my revered friend, the Raja Bahadur, which he could not quote at the time, but here it is, from
 3 P. M. the *Madras Mail*. The head-line is "Untouchability within Untouchability: a community whom the Depressed oppresses". I will not tire out the patience of the House by reading all that is contained in this cutting. Sir, I find that these depressed classes oppress others who are economically in a lower stage than themselves as best as they can. They cannot say the same thing with respect to the higher castes. As we never treat them as harshly as the depressed classes treat some amongst themselves who are lower than themselves in the economic stage. Sir, that being so, I beg to submit that, first of all, we should reform this class of the depressed people: reform them, teach them religion, teach them morality, teach them cleanliness and then try to raise them up in

the level of society. Sir, I would like to read one or two passages more from Sir Albion's book:

"We have manifestations of caste distinction even in England, the freest country in the world. No one expects to admit in the folds of his family, if he is a born gentleman, anyone who belongs to a rank below him—such as a shop-keeper or a tradesman or a man of the working classes."

Now, Sir, if the Diwan Bahadur happens to be a Bania, however, he might have occupied the exalted position of a Judge, I might have addressed him as His Honour in the Court, but outside the Court I would not care to associate with him.

An Honourable Member: Why?

Mr. Amar Nath Dutt: We often see how particular an Englishman is as regards table etiquette and how he dreads to be seen eating at the same table with persons who do not know how to use a knife and a fork and who have habits of eating and drinking which are repugnant to him. That is all quite natural and we do not blame them at all for that. We cannot resent it, we cannot take any objection to it, they are accustomed to that sort of eating and drinking and certainly they would not like to eat and dine with people who eat with their hands as we do in our homes:

"Equality of status spreads similarity of tastes, likes and dislikes and there will always be untouchability amongst human beings as long as everybody is not brought up and grows up in similar circumstances."

which is the millennium which my Honourable friend, Mr. Joshi, desires.

Then, with this question of the removal of untouchability, the question of entry into temples was mixed up, but I do not see that this Bill specifically empowers such persons to enter temples, but probably the aim is that. That being so, I may be permitted to read something from the same authority.

"Hindu temples are for the most part endowed by some pious individuals and consecrated by the installation of some god or goddess according to the Hindu pantheon representing some manifestation of the Hindu trinity. Untouchables have their own animistic forms of worship."

I draw the special attention of the House to these words: "The untouchables have their own animistic forms of worship." They are neither theists nor polytheists:

"They are generally, by time worn custom, resident in hamlets outside the villages. Their places of worship are in their own hands, whereas Hindu temples are situated in the residential portion of towns and villages where the majority are caste Hindus and even amongst them different sects have different temples where different deities are installed."

In this connection, Sir, it has been said that it is only in the Madras Presidency, wherefrom my Honourable friend, Mr. Rajah hails, that untouchability in this form is to be found and that it does not apply either to Bengal or other provinces in Northern India. I was glad to hear all that, but when I asked my Honourable friends to bring a Bill like this in the Madras Legislative Council, my friend, the irresistible Diwan Bahadur, at once got up and said: "It is the wicked Government which wanted us to bring it here and to have it killed and therefore, they won't allow it to be passed there, and that is why they did not allow it to be introduced there". Sir, Diwan Bahadur Harbilas Sarda, became a Diwan Bahadur

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in the same year and got promotion from his Rai Sahibship which he so long resented, and in fact which he thought rather a humiliation to him, when sanction was accorded by His Excellency the Governor General to the introduction of this Bill. It was the height of ingratitude, after having received the august title and after it was gazetted and having no further hope of a higher title than Diwan Bahadur (Some Honourable Members: "Why not? He should be knighted.") We wish he should be knighted also, but only if he gives up his present activities. (Laughter.) Sir, there are two ways of approaching God, according to the Hindu Shastras—one by enmity and another by worship. Ravana went by the path of enmity and he attained salvation within three lives, while by worship it takes seven lives or something like that. So if it is the idea of my friend, who believes in Shastras, that, by taking up an attitude of hostility towards Government, he could get his ambition fulfilled by having this Bill passed sooner than by being a friend, I think he is mistaken. Here neither are the Government the God nor have we these lives to pass through.

Mr. S. C. Mitra: Where is the relevance of all this?

Mr. Amar Nath Dutt: The relevance is here. Something was said against the Government, that Government were wicked enough not to allow it to be introduced into the Madras Council. Well, I have never been sparing in my comments of the Government when it does a wrong, but, at the same time, I am not one of those who will always in season and out of season condemn the Government (Hear, hear) and say ill of the Government, when they do not deserve to be so spoken of, for, after all, we do want that the Government should conduce to our welfare

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then the chances of your Diwan Bahadurship are not far away! (Laughter.)

Mr. Amar Nath Dutt: My Honourable friend, the Diwan Bahadur, has risen from the title of Rai Sahib—a title which is often given to head constables and the smaller clerks in our province—to Diwan Bahadur and I have no quarrel with that:

"Then can anyone believe that religious sentiment or superstitions have so changed amongst these people that they would leave their own place of worship or emblems such as stones and trees, images of spirits, good and evil, to come to worship elsewhere? Nor is it conceivable that the caste Hindus generally will consent to the use of the temples by those gentlemen who do not follow their faith."

I wish to draw the special attention of the Members of this House to this that the caste Hindus generally will not consent to the use of temples by those gentlemen who do not follow their faith. A Catholic Christian will not like that a Protestant should go to his Church and meddle with his worship. Similarly, a Vaishnava will not like that persons who follow other methods of worship should go to his temple and disturb him. I am myself a Vaishnava and, though we have relationship with Saktas, our modes of worship are quite different. In fact, even when we worship images periodically, there is no sacrifice in our houses. I believe my friend who is behind me (Pandit Satvendra Nath Sen) is considered to be an orthodox Hindu and I do not like to interfere with his views, nor would he

like to interfere with my views. Sir, questions of faith are not matters for legislation. Let the untouchables be converted to Hinduism first in the strict sense if that were possible. I know, for instance, in our villages there are other Brahmins who are the priests of these so-called untouchables. There is untouchability of this type in our part and our Brahmins do not officiate as priests in the worship of those lower classes. They have their own Brahmins; they have got almost their own religion. In fact, as is well known, Hinduism has grown to such an enormous extent with various divisions of sects and sub-sects that there is hardly any resemblance between one sect and another. It will be a Herculean task to standardise religion and the various forms of worship. That being so, it is very difficult to attempt to bring in the so-called untouchables and to give them certain rights which, as has been pointed out by the Honourable the Law Member, are quite vague even from the language of the Bill itself. We cannot find what they want us here to legislate for:

"Let the untouchables be converted to Hinduism first in the strict sense if that were possible; let them admit the supremacy of the Brahmin and follow the bigoted ministrations of the Brahmin priests. For them to claim equality with other castes strikes at the root of Hindu social religious beliefs and organisations and such a claim ignores the foundations of the Hindu faith, namely, the Brahmin supremacy."

All this is from the pen of a man who himself is not an orthodox Hindu and whose father was a great social reformer and he says in unmistakable language that "this is surely a curious paradox, for it ignores human nature and the history of religious institutions". In fact, it requires a little knowledge of sociology. (*A voice*: "Archæology.") It may be archæology. Because, the Honourable the Law Member brought in the word "arch", the Diwan Bahadur brought in the question of a huge magnificent building like the Taj:

"Is India to be a strong united nation if artificial movements changing religious customs and practices are forced upon 240 million Hindus by our political leaders? Such a step will rouse passion and create discord instead of harmony. Moreover, can these matters ever be regulated by legislation and enforced by law Courts against the common wish of the people?"

All these things I bring to the notice of my Honourable friend, Mr. Ranga Iyer, with whom I have worked for more than 10 years in fellowship, but on these small points we happen to differ at times. I know my friend is sincere in his belief about the abolition of untouchability among the Hindus, because he has witnessed the plight of the untouchables in his own native province of Malabar. But I beg to submit that he might have at least considered the views of his own father and brother and given them at least a respectful hearing before rushing to this Legislature with this anti-Hindu legislation.

My friend, the Diwan Bahadur, has brought in the history of his famous Act which made him famous and in which he now takes very little interest as was complained of the other day by my friend, Mr. Phookun. But I do not wish to be so uncharitable towards the Diwan Bahadur. He has no doubt got his celebrity which is next to the celebrity of another great individual, I mean Mr. Gandhi. Next to Mr. Gandhi, the Diwan Bahadur is the well known person in India at the present moment.

Mr. B. V. Jadhav: Is that the way of making yourself known?

Mr. Amar Nath Dutt: I have never attempted to make myself known either here or elsewhere. I have never been a Minister or a Round Tabler.

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I am a humble villager living in a Bengal village far away from the town and I have no ambition of making myself known. If I had been a Minister, I would have been known in my province. If I were a Round Tabler, I would have been known throughout the length and breadth of the country.

Mr. B. V. Jadhav: I am sorry for you.

Mr. Amar Nath Dutt: I thank you. Now, as for the question of religion, I believe that it has played a havoc in the history of mankind bringing in its wake intolerance, inquisition, persecution and bloodshed. I wish there were no so-called religion at all in this world. I believe more in common-sense; I believe in human freedom, that every one should be allowed to have his own way. If I say to my Honourable and esteemed friend, the Diwan Bahadur, please do not touch me, please do not come near me when I am taking my dinner, I think the Diwan Bahadur should not resent it. He may as well say to me, why force your association on me. I submit, how would reformers like if they were compelled to observe certain orthodox tenets which are observed by the orthodox people. Supposing, as they do in Madras, my friend, the Diwan Bahadur, and reformers like him are asked to paint their foreheads with sandal paste or vermilion. He would resent it. I would resent if I am forced to paint my forehead with these. How would the reformers like if they are forced to wear *Chutkies* (tufts of hair)? I belong to the Vaishnava community and if I am asked to wear a *mala*, I would resent it. Certainly the law does not force me to wear a *mala*. If India is really to be a strong and united nation, we cannot have these things among ourselves. Let the doctrine of *laissez-faire* be observed. Let everyone think according to his own inclination and choice. Great names have been uttered on the floor of the House, but the greatest of the reformers, namely, Raja Ram Mohan Roy, was not mentioned. The name of that great man, Swami Vivekananda, was brought in, but I think I have gone through the speeches of that great man and I have also read all his Bengali writings and speeches, and I appreciate the concluding lines in a book of his which are as follows:

*"Et Bharat bhumi amar shishu-shajya,
Janbaner upaban, bardhavaier Baranashi."
"This sacred land of Ind is the bed of my infancy,
Hower of my youth, and Benares of my old age."*

How I wish every modern day reformer appreciate those lines. Instead of playing to the gallery here or instead of seeking blazing head lines in the press and instead of having their names flung across from one end of the country to the other as champions of the depressed classes and then sitting at the table and doing nothing practically substantial for them, they should try really to alleviate the miseries of the depressed classes.

Mr. C. S. Ranga Iyer: I do not want to interrupt the very interesting speech of my Honourable friend, but, as he respects Swami Vivekananda, I will only refer him to the speech that Vivekananda made condemning don't-touchism and untouchability in Malabar with his usual passionate earnestness.

Mr. Amar Nath Dutt: I do not exactly remember the speech to which my Honourable friend refers. I know that he condemned untouchability in the form in which it exists in Madras, but here you are going to legislate for the whole of India. You yourself say that this does not apply to the other provinces. Why not have a Malabar Untouchability Bill for yourself in Malabar.

Mr. C. S. Ranga Iyer: This cannot be legislated in a Provincial Council.

Mr. Amar Nath Dutt: It is because you cannot have a small field, you want to have a bigger field. I say, this is all merely a political stunt. I am really pained to say so, because I find that men, who never took any interest in the social uplift of these untouchables, are going about here and there forming associations and organising reception committees to have blazing head-lines in newspapers and at times with unfortunate results as will be seen from the head-lines of a newspaper to which my Honourable friend, Mr. Jadhav, referred the other day, and which it seems is not in his good books, the *Indian Mirror*, and here I find the following head-lines:

"Three thousand untouchables oppose Gandhi in Malabar Surprise for Gandhi at Guruvayur, Sanatanists brutally attacked and Gandhi asked to give up his campaign."

My Honourable friend over there laughs

Mr. B. V. Jadhav: May I know if Gandhi is opposed in Malabar, why were the Sanatanists attacked, and by whom?

Mr. Amar Nath Dutt: My Honourable friend forgets that five *goondas* can attack 140 Members of this House and break their heads. Probably the Sanatanists were attacked by the non-violent followers of Gandhi. I will not refer to the political aspect. I should like to say one thing. When I heard my Honourable friend, I knew him to be a student of Shastras, but I never knew him well versed in Indian History. He mentioned that these troubles began from the time of Fakhien and Megasthenes. I beg to submit that things have gone on from those days for more than 2,000 years and no one has complained, and I think life here in India has been easier and I think there is not much complaint to be made against this institution.

The analogy of *Sati* has been brought forward. *Sati* was self-immolation of a widow on the pyre of her husband, and certainly the State is entitled to prevent a woman from committing suicide. These are matters of social reform. As suggested by the Honourable the Law Member, a few expert lawyers could sit and devise how far human rights could be curtailed for the maintenance of equal freedom to all. Of course Ramakrishna Paramahansa was also quoted and his tirade against the Pandits were also mentioned. Ramakrishna Paramahansa, Raja Ram Mohan Roy and Swami Vivekananda all come from the same portion of the district from which I come though that portion of the district has been separated from my district now. Myself and Swami Vivekananda come from the same clan, for he was no other than Narendra Nath Dutt of Deriatone, a village in Burdwan. My Honourable friend evidently does not know that Ramakrishna Paramahansa observed untouchability as observed by a Brahmin. He was himself worshipping in a temple where these so-called untouchables were not allowed to enter. Even his great disciple, Vivekananda, was allowed to go only up to a certain limit and not touch the God himself. That is the case everywhere. We have our own family Gods which we establish with our own money and there only priests can go and worship and even we are not allowed to go to a certain arena, and we believe, in order to preserve the sanctity of the temple, we should not go there. That will destroy the sanctity of the God. The belief exists rightly or wrongly but I have no right to enforce my own views upon others.

In this connection, I may mention other social reformers, and I may mention how the poor Brahmins have been attacked by reformers of the present day and even by my Brahmin friend. I beg to submit, Sir, that they were the men who preserved our social order, our Shastras and the

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sanctity of our homes for these three thousand years or more, and we should not speak irreverently of them, because their children now drive in Rolls-Royce cars or don European clothes and deliver speeches in English thus differing from their own fathers. You may say all sorts of things against them, but do not say anything against that great class of human teachers, the Brahmins, who were the pioneers of civilisation, and do not say that they were ill-advised or selfish in putting the depressed classes into the state of things in which we find them at present. And the sanctity attached to the personality of a Brahmin is such that even a great Maharajah, who is a social reformer to a certain extent and is at present living in England, worships every year the feet of 108 Brahmins, believing in the efficacy of washing the feet of the Brahmins.

Then, Sir, my friend has lastly appealed to the voice of history, and so forth. I cannot imitate the literary style or the grand and eloquent phrases which he used in condemning the present Government for their conduct in not giving immediate support to this ill-advised Bill. But I can say this that, before the bar of history, the position of Government on this Bill will always be regarded as one of the instances of non-interference with the religious customs and practices of a people who happen to be committed to their care at the present moment. With these words, Sir, I beg to oppose the consideration of the Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions. Non-Muhamadan). Sir, the principle of this Bill is the abolition of untouchability. Honourable Members on both sides have spoken at very great length on the subject of this Bill, but, if I may be permitted to analyse their speeches I shall perhaps be not wrong in summarising them as speeches delivered on the basis of authority and those inspired by experience. The conflict between the two schools of thought is a conflict between authority and experience.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Those of my friends who have opposed this Bill have very rightly pointed out that the caste system is the keystone of Hindu society, that if you loosen that keystone of the arch, you loosen the whole fabric of the Hindu society; and, consequently, they feel that if they did not resist the passage of this Bill, they would be loosening the foundation of their creed. That is the orthodox view and that is a view which is both plausible and plausibly expressed by my friend, Raja Bahadur Krishnamachariar, and my friend, who has just sat down, Mr. Amar Nath Dutt. Against this view, there is the view of the so-called reformers who appeal to human experience and who say that, unless you wish to give all men equal rights, you will not be consolidating Hindu society. The depressed classes belong to the Hindu society, they are clamouring for equal rights, and unless you concede to them those equal rights, there will be a parting of the ways between two important sections of Hindu society. That is the view of those who appeal to the orthodox community to consider the dictates of that humanitarian measure intended to give the depressed classes the minimum of human rights to which they lay claim. Against the view of the depressed classes, there is a latent feeling amongst the members of the orthodox community and that feeling I respect. The feeling is that if

you were to allow the caste system to be relaxed by giving the depressed classes the rights they demand, whether of entry into the temples or the performance of those rights which are associated with caste Hindus, then you would be obliterating all caste distinction and, with the obliteration of that caste distinction, will disappear the very foundation of Hindu society. That, I submit, is the view of the orthodox section of this House. Now, between these two opposing schools who is to be the judge? Both parties appeal to the Shastras, the orthodox speakers have appealed to the Shastras as the pinnacle of human thought and as the final authority upon all such matters. Those who have supported this Bill, on the other hand, appeal to a still more exalted and higher authority, namely, the authority of reason. They say that whatever the Shastras may say, the fact remains that, with the passage of time and the change of circumstances, if Hindu society is to endure and be the power which it ought to be, it must be consolidated. and, if it is to be consolidated, it must be upon terms of equality and not upon terms of inherent inequality. And the removal of untouchability is, therefore, only the beginning of a great social uplift movement on the part of the depressed and the lower classes to eliminate all caste distinctions. And that is the fear in the minds of the orthodox people. They feel that this is but the thin end of the wedge; the depressed classes and the lower classes and indeed all classes, which belong to the lower stratum of Hindu society, demand equal rights and equal privileges, and they say: "If we are within its fold, we shall come to you as brothers; if you want our fellowship, if you want our support, if you want that we should be within its fold as members of the great Hindu system, we can only remain if you give us the same rights which you enjoy yourself." The caste Hindus, on the other hand, say that from hoary antiquity the Hindu religion has recognised the inequality of the Hindus, whether it is divinely ordained or whether it is due to other causes, I will not trouble the House to go into—but the fact remains that since long past the foundation of Hindu society has been constructed upon the basis of caste. We have the four recognised castes, and outside these four castes stand the depressed classes, mostly drawn from the aboriginal tribes of this country; and the caste Hindus look down upon a section of the depressed classes as wholly beneath them, and, because of that contempt for that class, they are regarded as untouchable and not competent to enjoy the elementary rights of worshipping in the same temple or walking on the same pavement or drawing water from the same well. That is at the back of the minds of those who have been opposing this measure; and the short question, with which we are concerned at the present moment, therefore, is this: has the time come or has it not come when we should offer the hand of fellowship to the members of the depressed classes and remove the grievances from which they suffer? A few friends of mine have been saying: "Clean yourselves; purge yourselves of the sins which you have inherited under the doctrine of *karma*, and things of that kind". But we are not here to appeal to authority. The depressed classes come and ask you, as it were sitting round a round table conference, this question: "Do you want us to remain within the fold of Hinduism or to go out? Many of us have gone out—they have been converted to other creeds and they have ceased to be Hindus; we still remain and wish to remain within your faith to help you, to succour you, to strengthen your system and to preserve your nationality. But we want some of the elementary rights, and those elementary rights are the rights that any human being may demand of his fellowmen." Some of my friends have been indulging in hyperboles and false fallacies; they say, in the

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West and in America, there is a colour prejudice and there are class distinctions. There may be a class distinction; the butcher of today may be the baron of tomorrow; but can a depressed class man today, whatever may be his success in life, become a touchable?

Raja Bahadur G. Krishnamachariar: But he may become a Knight!

Sir Hari Singh Gour: But would he then be permitted by the Raja Bahadur to enter his temple or to draw water from his well? That is the whole distinction between class distinctions and caste distinctions. Class distinctions are fluid; caste distinctions are rigid, and it is against that rigidity that the depressed classes complain; and I ask my Honourable friends on both sides that, if this question were to be left to the arbitrament of friends occupying the European Benches or the people not belonging to the Hindu faith, what would be their verdict? I am quite sure, they would have said: "It is almost childish to waste time talking about this question: there cannot be such a thing as untouchability; all human beings are equal and all human beings must possess equal rights and be given equal opportunities." That would be the verdict. But that would not have been the verdict three thousand years ago when the Hindu religion was constructed. At that time, human society was sharply divided. I find that such a great philosopher as Aristotle recognised slavery as a living institution and describing a slave as an animated implement; and, at that time, when Hindu society was constructed and its laws laid down, the laws of all countries recognised class distinctions of an extremely far-reaching character; and if the Hindu religion today has preserved this hoary old tradition, which it has received from generations past, it is not because it has been put to the test from time to time and stood the test, but it is because it has behind it the sanction of antiquity; and when we deal in the 20th century with a condition of life and a society that has so completely altered and demands new solutions for new problems, can we go back and say that in the sixth century before Christ, Aristotle, one of the wisest philosophers of Greece, had declared that human society must be divided into two sharp classes, the freeman and the slave, and that slavery was a natural institution? Honourable Members know that throughout Europe and America and, I am quite sure, in this country also, there would be no man who would today tolerate the institution of slavery. Things have changed; human minds have undergone a change; and, since the War, what has been the history of the whole world? The whole world has become sharply democratised; all class distinctions are fast disappearing. Do we not know that ancient and mighty kingdoms have fallen and in their place there has arisen proletarian dictatorships? Do we not know that in all parts of the world, even in Europe and in America and in Asia, the world movement for the emancipation of labour is gaining momentum and force every day? Who would have thought, thirty or forty years ago, that a labourer was worthy of a living wage and that half a dozen labourers could combine under the sanction of a law passed by this Legislature and demand terms from the employer? The thing would have been regarded as the height of impertinence and, I am quite sure, that, perhaps fifty years back, a man would have been locked up for making such a demand. Even today, in the Rand mines in South Africa, the kaffir who lives in a state of semi-slavery dare not have trade unions. But we in this country believe in the united action of labour, and we have sitting behind me my friend, Mr. Joshi, who wants that there should be the spoliation of the rich for the benefit of the poor, and he says that it should be everywhere.

Now, the world movement, since the War, has been for the destruction of all branches of authority, of all monopoly, and countries have even gone to the extent of denying the right of private property. India has not perhaps kept on an even march with the rest of the countries, but there has been an awakening in this country from the depressed classes, and indeed from the labourers, and you find that, during the last ten years, the labour organizations have been strengthened beyond all recognition. Trade Unions have risen and the depressed classes have now formed into a confederacy and are capable of demanding a recognition from the caste Hindus. Even if we deny them their elementary rights, we cannot long refuse them those rights. They will have to be conceded those rights, and I think it is the height of statesmanship for the Hindus to read the handwriting upon the wall to see the signs of the times and to let them come into the Hindu fold with all the rights which every Hindu enjoys. If we deny them those rights, the result is inevitable. There would be a growing denudation of Hindu society as there has been during the last 300 years. I need not recall the facts of history. Was there a single Muhammadan here or a Christian here 300 years ago?

Sir Muhammad Yakub: 300 years ago, there were 33,000 Muslims.

Sir Hari Singh Gour: There were 33,000 Muslims 300 years ago. .

Sir Muhammad Yakub: I mean there were 33 lakhs Muslims.

Sir Hari Singh Gour: What was the number, 33,000 or 33 lakhs?

Sir Muhammad Yakub: There were a very large number.

Sir Hari Singh Gour: But have not the ranks of Islam been strengthened by conversion from Hinduism? Have not the ranks of Christianity been strengthened by conversion from Hinduism, and what is the reason?

Sir Muhammad Yakub: That will always go on

Sir Hari Singh Gour: Islam is a brotherhood, Christianity is a brotherhood. Both are social forces. Hinduism is not a social force, it is a social disintegrating force.

An Honourable Member: What is Brahmoism?

Sir Hari Singh Gour: And what Hindu reformers now want is to cement the bonds between Hindus so as to make it a strong, uniting, cementing force, so that the Hindus might be able to stand together against all aggression in the future. That is the foundation, that is the fulcrum which is animating the so-called Hindu reformers. They are not for reform merely for the sake of reform, but they are out for the purpose of laying the true foundation of a true Hinduism which will strengthen Hinduism as a whole and make it a tower of strength in the future. That is the real purpose, and as I have said, Sir, this question of untouchability as such does not admit of any argument, because ask any person, any impartial individual; "Do you think that those depressed classes should be denied the right of the taking of water from the wells or walking on the pavements or entering a temple dedicated for the use of the whole community", and the answer would be unequivocal and emphatic,—the answer would be: "What a silly question to put, why should they not have all those rights, are not they

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human beings"? That will be the short answer that we shall receive from those who are not imbued with a religious impulse to defend an ancient, and, I am afraid, a decrepid and dying institution

An Honourable Member: Leave it there, why do you trouble?

Sir Hari Singh Gour: My friend tells me, leave it there and why do you trouble? Sir, I am a good Samaritan. My friend is diseased and dying, and I have a phial of medicine in my pocket and I am trying to revive him. If he still dies, I shall at least not suffer from the qualms of conscience that I have not done my duty to give my friend aid when he was in sore necessity for it, and that is the excuse of those who wish to reform and reconstruct Hinduism upon a sure and lasting foundation. (Applause.)

Several Honourable Members: The question may now be put.

The Honourable Sir Harry Halg: Sir, in an interjection this morning, in the course of the speech by my friend, Diwan Bahadur Harbilas Sarda, I promised to make a full statement of the attitude of Government towards this Bill. The Diwan Bahadur, who was, I think, in an unusually censorious mood, professed to be able to deduce the attitude of Government from the fact that my friend, Pandit Sen, had made some remark, which I confess, I had not caught, and that I had not contradicted it. Well, Sir, I do fairly frequently intervene in debates to correct what I regard as misunderstandings, but I do not think, Sir, you would permit me to jump up every time that any one made a statement with which I did not agree. I realise that from the point of view of the Diwan Bahadur's argument, it was convenient to assume at that moment that the attitude of the Government was as he asserted, but had he been reasonably interested in the attitude of Government and in the course that this Bill was likely to take, one might have expected that he would have referred to the statement of Government's position which was made on the 23rd of January, 1933, and which included a very definite and specific reference to this very Bill. This is what the Government said last January:

"Mr. Ranga Iyer and other Members of the Legislative Assembly have applied for the sanction of the Governor General for the introduction of a Bill entitled the Untouchability Abolition Bill, which requires the previous sanction of the Governor General under section 67(2) of the Government of India Act, as affecting the religion and religious rights and usages of a class of British subjects in India. This Bill is in more general terms than the Bills which it was desired to introduce into the Madras Council, but, like them, it affects the religious customs and usages of the Hindu community as a whole. The Governor General is not prepared to deny to the Central Legislature an opportunity of considering these proposals and is, therefore, according his sanction to the introduction of the Bills. But the Governor General and the Government of India desire to make it plain that, in their opinion, it is essential that the consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects, not merely in the Legislature, but also outside it, by all who will be affected by them. This purpose can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion and if adequate time is given to enable all classes of Hindus to form and express their considered views."

Well, Sir, that remains the position of Government. I do not at this stage of the Bill propose to enter into the merits of these proposals. As we explained last year, the Government of India retain a free hand to take at later stages such action in regard to these

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proposals as may, upon a full consideration of the circumstances, appear necessary. But while I wish to express no views on the merits of the proposals in general, I do think it is right that the House should consider what the Bill means and is intended to effect, and, from that point of view, I think that a great benefit has been conferred for the consideration of this Bill by the close analysis of its provisions which my Honourable colleague, the Law Member, made this morning. As a result of that analysis, it certainly does seem a little difficult to understand precisely what is the practical effect intended, and what is more important, what is the practical effect that will be produced. I can understand, if this Bill is intended merely as a gesture, that matter would not be of great importance. My Honourable friend, Mr. Ranga Iyer, for instance, I think, is anxious—I know he has great sympathy for the depressed classes, but he is also anxious probably to be able to stand on a platform, and when people ask him, “Is it true that there are 40 million depressed class untouchables in India?” to say, “Untouchables? Who are untouchables? There is not an untouchable in India. I passed a Bill for the abolition of untouchability”. (Laughter.) That will be a fine debating point, but, at the same time, legislation deals with what is precise and practical, and it is obviously dangerous to attempt to legislate by rhetorical phrases. Therefore, I think it is very valuable that my Honourable colleague, the Law Member, should have brought before this House this morning some of the practical legal points that would arise in the interpretation of the provisions of this measure.

Now, Sir, in the course of the debate I have noticed a tendency amongst some of the supporters of this measure to assume that they are the only people who are interested in removing the disabilities of the depressed classes.

Mr. N. M. Joshi: Who are the others?

The Honourable Sir Harry Haig: I am coming to that. The Diwan Bahadur gave expression, perhaps in the most extreme form, to this view when, following up his assumption that the Government were opposing the Bill, he said, the Government will be perpetuating the custom of untouchability. Well, Sir, I think, in view of assertions of that kind, it is necessary for me to remind the House of the long and honourable record of Government in dealing with this problem of the uplift of the depressed classes, particularly in Madras of which we have heard so much. Much, I admit, remains to be done, very much, and the mobilisation of public opinion in favour of further measures is valuable. But I think it is rather a vice of certain reformers to be intolerant of all those who are not prepared to go exactly along the same lines as themselves and to assume that they are the only people who are doing anything to reform the world and that the rest of the community are sunk in torpor.

What really is at the base of the condition, the deplorable condition of the depressed classes in this country? I should say mainly it is that they are educationally backward, that they are economically depressed and that they are politically impotent. What has been done in Madras to try and remove the first of those disabilities? I have here a very long statement; I do not propose to read it out to the House, but I would just mention very briefly a few of the steps which have been taken during the last ten years or so in Madras:

The appointment of a special officer entrusted with the task of encouraging the education of the depressed classes.

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The insistence on the right of admission for depressed class pupils into all publicly managed schools.

The refusal of grant-in-aid to privately managed schools which do not admit depressed class pupils.

The removal of publicly managed schools from places inaccessible to depressed class pupils.

The opening of special schools and hostels for the depressed classes.

The remission of fees and provision of scholarships.

The provision of special facilities for the training of depressed class teachers.

Various other measures have also been taken, but that will be enough to show to the House the kind of lines on which the Government of Madras have been proceeding. Then, with regard to their economic condition, during 1931, 22,770 acres of Government land was assigned free of cost to the depressed classes for the provision of 1,973 house sites. The total extent of Government land, so far assigned to depressed classes for this purpose, is 342,000 acres, and the total number of sites provided, since the commencement of the operations, is 36,530. A sum of rupees three lakhs odd was spent during the year on the provision of drinking water facilities for the depressed classes, and so on,—roads, bridges, wells. I was interested to note that we heard this morning from the Diwan Bahadur of a certain class of depressed class people in Malabar known as Nayadis. I do not know whether he had ever heard of them before they were discovered recently by Mr. Gandhi during his tour, but they were at any rate known to the Government before that, because this is what I find:

“Successful work was done in the colony at Glevakkot for Nayadis, the lowest of depressed classes of Malabar, and the process of weaning them from their traditional occupation of begging, and teaching them agricultural operations has been pushed forward. A teacher was also appointed to teach the colonists basket making.”

Well, Sir, I suggest that all this provides a good foundation for future work, and that is likely to be pressed on more and more vigorously if the depressed classes secure in the future some reasonable political power. In that connection I would like to remind the House that it was the Government that has in the Communal Award conferred on the depressed classes what one might call their political charter.

Mr. F. E. James (Madras: European): There is also the work of Christian missions.

The Honourable Sir Harry Haig: I am not attempting to make an exhaustive enumeration of what has been done. I know that work is being done, not only from the side of Government, but by various non-official and religious organisations, and, I am sure, that the House welcomes that kind of work by whatever agency it is carried out.

Mr. B. V. Jadhav: Will the Honourable the Home Member tell us what the Government of Bombay has done?

The Honourable Sir Harry Haig: I have a long statement here, but, I am afraid, it will weary the House if I read it out, 2½ pages of it, but I will be very glad to show it to my Honourable friend at the conclusion of the debate.

Mr. R. S. Sarma (Nominated Non-Official): He was a Minister himself, and he could say a lot about it.

The Honourable Sir Harry Haig: I think one might have concluded after hearing the debate that there is very little in common between my Honourable friends, Pandit Sen and Mr. Ranga Iyer, but I did detect one sentiment in common between them and that was a thorough distrust of public opinion. (Laughter.) Pandit Sen was very indignant with the Government, because they had presumed to allow any discussion on this measure at all. He thought that it was contravening the rights of the subject that this problem should be placed before the public at all. Similarly, though from an opposite point of view, Mr. Ranga Iyer was very indignant with the Government, because they had not allowed a Bill embodying these proposals to be pushed rapidly through the Madras Legislative Council on a temporary wave of emotion. He was very angry that this Bill should be referred for the opinion of the country generally. And to complete the paradox, I observed that the Raja Bahadur, the believer in autocracy, the man with a complete contempt for public opinion, was the only one of those three who had no objection to this measure being referred to public opinion, because he was perfectly confident that it would be on his side. I think there is little more that I need say except on the practical point of further procedure in connection with this measure. As I explained at the beginning of my speech, the Government consider that this Bill should be fully circulated for opinion before the House proceeds to further consideration.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I understand that there is an amendment before the House proposed by Raja Bahadur Krishnamachariar that the Bill should be circulated, the circulation to be complete on the 1st August. That appears to the Government to be a reasonable proposal and the Government will be prepared to support that amendment.

Rao Bahadur M. C. Rajah (Nominated Non-Official): Sir, I thought my task was easy as I was all along under the impression that I had to answer only two Honourable Members of this House, but this morning up sprang the Honourable the Law Member who tried to throw certain bombs at my Bill. Sir, it is surprising to me that the bulk of the opposition comes from a province, Bengal, where they say there is no untouchability, but I shall first deal with my revered Leader, Raja Bahadur Krishnamachariar. He seems to attribute the genesis of this Bill to Mahatma Gandhi. Let me straightaway tell this House that this is an incorrect statement. The Raja Bahadur is not aware of the real origin of this Bill and his statement merely misleads the Members of this House.

Raja Bahadur G. Krishnamachariar: I took what Mr. Rajagopalachari said.

Rao Bahadur M. C. Rajah: In this connection I should deal with two aspects of the question, the genesis of this movement and the genesis of this Bill. The first attempt at the reclamation of the down-trodden classes was made by the European Christian Missionaries. The Christian Mission

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schools are democratic institutions, where the low and the meek, the depressed and the oppressed, the poor and the struggling are treated with equal attention with the high and the rich, the progressive and the flourishing, the socially high and the politically strong. The Christian Mission schools open their door wide to all, but especially to the outcaste and the down-trodden fulfilling Christ's sayings: "He that is least among you the same shall be great", and "Blessed are the meek for they shall inherit the kingdom of God". "At present" says Henry Whitehead, formerly Bishop of Madras, in his book "Indian Problems":

"83 per cent of the Indian Christians throughout India are illiterate and, at the same time, ignorant, illiterate outcastes are being swept into the Church at the rate of 2,000 a week."

The restoration of civic and political rights in a measure were vouchsafed to us by the British Government. The British administration has all along been struck with the peculiar disabilities of the untouchables and had been doing their best to ameliorate their sufferings.

In His Excellency Lord Willingdon we have a true friend of the depressed classes. It will be interesting to mention that His Excellency was the first in India to appoint a member of the depressed classes to a Provincial Legislative Council and that was in 1919 during the pre-reform days. It was His Excellency that inaugurated the special department in the Presidency of Madras for the protection of the interests of the depressed classes, when he was the Governor of that Province and appointed the late Sir George Paddison, the Protector of the Depressed Classes Sir George Paddison, with his Personal Assistant Diwan Bahadur S. K. Sunderachari, did a great deal of ameliorative work on behalf of the depressed classes in that province.

Coming now, to the non-official side, it was the late Dr. T. M. Nair that gave an impetus to the movement for the removal of untouchability and placed it in the forefront of his political programme, when he organised the Non-Brahmin movement in the Madras Presidency in 1917. Individual social reformers like His Highness the Maharaja of Mysore, the Maharaja of Pithapuram, Sir Venkataratnam Naidu, of the South, His Highness the Gaekwar of Baroda, the late Justice Chandavarkar in Bombay, the late Lala Lajpat Rai in the Punjab and Swami Shradhanand of Delhi in the North took growing interest in the amelioration of the depressed classes of India.

Later, under the inspiration of Mahatma Gandhi, the Congress took up the question and passed a Resolution for the removal of untouchability at its Session in January, 1921, and included the item of the removal of untouchability in the programme of the Congress. As a matter of fact, I have been accusing Mahatma Gandhi for not taking up the cause of the untouchables in right earnest, until so late as November, 1931. For the information of the House, I should like to read a passage from my speech delivered at the 9th Session of the All-India Depressed Classes Conference held in the Punjab on the 31st October, 1931. There I said:

"The Indian National Congress had been functioning for over 46 years. About ten years ago, they adopted a Resolution for removal of untouchability and, a few years later, Gandhiji included the item of the removal of untouchability in the programme of the Congress along with prohibition and khaddar. I would like to ask Mahatma

Gandhi if he and his followers have devoted one-hundredth as much attention to the removal of untouchability as to the promotion of khaddar, though many of them know that khaddar is a poor economic proposition by the side of mill-made cloth. Khaddar is, no doubt, immediately useful for wresting power from the British people, whereas the removal of untouchability is not useful for such a purpose though it is even more useful and more permanently useful for establishing Self-Government in this country."

Then I asked:

"Why does not Mahatma Gandhi direct his energies to removing the oppressive features in our social structure, and, in particular, to removing the canker of untouchability before he makes any further attempt for Swaraj, since he himself had wisely admitted on more than one occasion that this reform should precede Swaraj?"

Therefore, Sir, you will understand that it was not Mahatma Gandhi that first took up the cause of the untouchables. Then, coming to the genesis of this Bill, let me remind this House that it is not a new Bill. A similar Bill, called the "Hindu Untouchable Castes Disabilities Removal Bill" was given notice of by my friend, Mr. M. R. Jayakar, in 1929. The provisions of that Bill were far wider than those of the "Untouchability Abolition Bill", and Lord Irwin, the then Viceroy and Governor General of India, without any difficulty whatsoever, accorded previous sanction to it on the 30th of December, 1929, that is more than four years ago. Unfortunately, my friend, Mr. Javakar, did not continue his Membership in the Assembly, and so was not able to pilot that Bill. Subsequently, you, Sir, sponsored it and His Excellency Lord Willingdon, the present Viceroy, gave you the previous sanction, and that too without any difficulty, on the 6th of August 1931 that is, more than two years ago. It is significant that the orthodox section of the Hindus did not raise any hue and cry then against that Bill. But Sir, I can understand the feelings of these orthodox friends. They always cry hoarse whenever any custom of theirs, however injurious to society and however useless it may be, is sought to be modified by an Act of the Legislature. They respect these customs, whether good or bad, and they always feel it too much to part with any of them. Sir, in his speech, my revered Leader, Raja Bahadur Krishnamachariar, complained that I failed to mention the abolition of untouchability in my note attached to the report of the Indian Central Committee. This, too, I beg to add, is an incorrect statement.

Raja Bahadur G. Krishnamachariar: I accepted your correction then.

Rao Bahadur M. C. Rajah: But I observe that, whenever the Raja Bahadur makes a statement, he does so "subject to correction". But, Sir, this is not the way a responsible Member of this House, rich in age and experience, speaking on important subjects, should mislead this Honourable House by making inaccurate and misleading statements "subject to correction". (Laughter.)

Mr. N. M. Joshi: He is a "mis-leader" himself.

Rao Bahadur M. C. Rajah: For the benefit of this House, however, let me read what I have said on this particular matter in my note attached to the Report of the Indian Central Committee. Sir, this is what I said:

"The general remedy that suggests itself is the immediate and total withdrawal of legal and administrative recognition to the superstition of pollution. The laws, as they are administered today, uphold these superstitions and punish the untouchables who dare to disregard them."

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And, then, Sir, I said on page 385:

"The peaceful progress of the untouchable classes is a *sine qua non* of the orderly development of Indian Nationalism. Paradoxically as it may sound, the aim of the depressed classes and those working for their future should be their abolition. They are an excretion of the Hindu Society and they must aim at becoming one with it. The ideal should be to become not merely an integral part of it, but to become an indistinguishable part."

This report was published in the year 1929—long before Mahatma Gandhi thought of getting a Bill like this introduced in this House. Sir, I make bold to say that we are not piloting the Bill at the behest of Mahatma Gandhi; yet we cannot but be grateful to him for taking up this question at this time and thus rendering a great help to our cause. (Hear, hear.)

Sir, my revered Leader, Raja Bahadur Krishnamachariar, says that I advanced certain fantastic arguments during his absence from the House in connection with the Temple Entry Bill. Sir, I made that speech six months ago and up till now I have not seen any adverse criticisms in any of the papers, even in the Sanatanist papers. Sir, I stand by every word I said in that connection and I can prove them by records. In this connection Raja Bahadur Krishnamachariar gave the House to understand that Saint Tirupanalvar's parentage is not exactly known. Sir, this is the usual characteristic way in which Brahmins, when they find a saint in a so-called lower community, say, "he does not belong to that community", or "he was born in it by a mistake". (Interruption by Raja Bahadur G. Krishnamachariar.) I am not giving way.

Raja Bahadur G. Krishnamachariar: But you have no business to misrepresent me like that.

Rao Bahadur M. C. Rajah: But, at the same time, he accepts the theory that this saint from his boyhood was being brought up in an untouchable's house. Sir, the very fact that he was brought up by untouchables from his babyhood raises a strong presumption that Saint Tirupanalvar belonged to that community. Sir, in this connection, my revered Leader, Raja Bahadur Krishnamachariar, said that when Saint Tirupanalvar was singing the praises of the Lord until he was about thirty years of age, one day God gave orders to the temple priest to bring that devotee to the temple, and my revered Leader, Raja Bahadur Krishnamachariar, avoided saying why on that particular day God ordered the temple priest to bring that devotee to the temple. Let me say why. Raja Bahadur Krishnamachariar, my revered Leader, is a Vaishnava like myself and I challenge him to disprove my statements, and, if he finds anything wrong in my statements, I shall at once give way. One day, Loka Saranga Muni went to the river to fetch water for the morning *pūja* of the God. On his way to the river, he saw Tirupanalvar sitting on the bank of the river chanting hymns in praise of Sree Ranganadha. He shouted to Tirupanalvar to move away. Tirupanalvar was absorbed in contemplation and heard him not. Seeing that Tirupanalvar did not move away, Loka Saranga got incensed and threw a stone at him.

Mr. N. M. Joshi: As much incensed as the Raja Bahadur?

Rao Bahadur M. C. Rajah: It hit Tirupanalvar on his forehead and he began to bleed profusely, and then he moved away. When the Muni went back to the temple, he saw Sree Ranganadha similarly bleeding on his

forehead. He tried to stop it, but could not. He felt the God was angry over his behaviour to the Saint Tirupanalvar. He deeply reflected and the call distinctly came to him from God Sree Ranganadha not only to go and apologize to Tirupanalvar, but to carry him on his shoulders to His presence in the temple. He obeyed, went and fell at the feet of Tirupanalvar and carried him on his shoulders to the temple. I challenge my revered Leader, Raja Bahadur Krishnamachariar, to contradict this.

Raja Bahadur G. Krishnamachariar: This is what I said.

Rao Bahadur M. C. Rajah: You did not say this. Again, Sir, my revered Leader, Raja Bahadur Krishnamachariar, said that the temple priest took the devotee to the temple as far as he could be brought and God exhibited his presence. This is another perversion from truth. What was the order of God? The order of God was to bring him to the temple where God was actually bleeding in his forehead and the temple priest carried him to that very place, not as the Raja Bahadur says to the place upto which he could be brought.

With reference to Saint Nandanar, I am glad that my revered Leader did not dispute his parentage and he admits that Saint Nandanar was admitted to the *Sanctum Sanctorum*, for the Raja Bahadur said that God said: "Light a fire in front of my *Sanctum Sanctorum*". And the Raja Bahadur, I am glad to say, had explained why Saint Nandanar was asked to walk on the fire, although I do not believe this part of the story which is a mere concoction by the clever Brahmins of those days. The Raja Bahadur also explained that he was asked to go through fire so that he could become one with God. Let me tell the Raja Bahadur that we are not for becoming one with God, but we are for having Deva Darshan. At the same time, let me also remind him that in the temples in the South no one—not even my revered Leader, the Raja Bahadur—is allowed in the *Sanctum Sanctorum*. Again, with reference to Ramanujacharya and the Melcottah Temple to which I made reference in my speech, the Raja Bahadur, while accepting that the members of the depressed classes are allowed into the temple for three days in a year, asserts that a purification ceremony is performed immediately after the third day to bring God-head again to its proper place. This is really wonderful and Sree Ramanujacharya was a great saint and. I am sure, he would never have placed God in that precarious condition of purity by admitting the depressed classes into his temple. Moreover, those three days are the most sacred days for the Vaishnavites and, during those days, people from all parts of the country congregate for His worship. The purification ceremony is performed not only in this particular temple, but in all temples after the annual gathering. My friend, Pandit Sen, pleaded ignorance to all this and now he comes and says something. In all other temples in which depressed classes are not allowed, there also such ceremonies are performed. Sir, in my humble opinion, the purification ceremony is performed not because the depressed classes are admitted inside the temples, but because Brahmins and non-Brahmins, clean and unclean, are all admitted without distinction during that period. To my knowledge, similar ceremonies are performed in temples to which depressed classes have no access. Again, Sir, Raja Bahadur Krishnamachariar found fault with me for saying that temples in South India belonged originally to the depressed classes, who were subsequently expelled by the cunning Brahmins. Might I ask the Raja Bahadur whether the temples in South India belong to the Brahmins?

Raja Bahadur G. Krishnamachariar: I always said that the Brahmin was such a poor beggar that he could not build any temples.

Rao Bahadur M. O. Rajah: I am glad to hear that. Sir, I assert once again that temples in South India did belong to the depressed classes, the ancient Dravidians, otherwise called the Adi-Dravidas. In this connection, let me tell my friend, the Raja Bahadur, that Brahmins had no hand in installing idols in temples. Let me quote Professor MaxMuller. Professor MaxMuller says:

"The religion of the Vedas knows of no idols. The worship of idols in India is a secondary formation, a later degradation of the more primitive worship of the idol Gods."

Again, Sir, Mr. J. C. Ghosh, in his Tagore Law Lectures, says:

"That wave of the influence of the Brahmins and the unpopularity of the worship of fire led to the worship of images which might have been borrowed from the aboriginal tribes and from foreign invaders in ancient times."

Brahmins were even outcasted if they went to worship in temples. This is historically and Vedicallly true:

"We should know".

—says Mr. Ghosh,—

"that dedication for the Gods meant dedication for the maintenance of the worshipping Brahmins, who, because they so worshipped, were called *Devalas* and were all but outcastes among Brahmins."

Again, Spence Hardy says:

"Image worship is alluded to by Manu, but with an intimation that the Brahmins, who subsist by ministering in temples were an inferior class."

In Tirumular's *Tirumantiram*, the standard work in Tamil on agamic-cult, runs as follows:

"If a Brahmin as such, does Puja to God, it will bring disaster to the king and famine to the country."

Sir, even in Palni itself, remarked Mr. Justice Sadasiva Iyer:

"The priest was non-Brahmin till about a century ago. Now the priest is a Brahmin."

From Chanakya it is evident that the position of the Brahmins in Hindu temples today is due to an accident. That great Frenchman Abbedutoix, a century ago, referring to the Brahmins, wrote:

"It was principally for their use that the dancers and prostitutes, who were attached to the service of the temples, were originally entertained and they may be heard to intone the following scandalous line—*Vaiśya Darshanam Panyam papna ham* which means looking upon a prostitute is a virtue which takes away sin."

While referring to the Srce Rangan Temple, which is situated in the place where my revered Leader hails from, the Raja Bahadur has said that this site was bought by Vibhisana. You all know that Vibhisana was the brother of Ravana, who was a mighty Dravidian King.

Raja Bahadur G. Krishnamachariar: I never said "bought". I said he was brought there.

Rao Bahadur M. C. Rajah: I accept the correction, but how could any site be brought? Did he bring the site from Ceylon? This is a wonderful thing which I do not understand. For the information of my friend, Raja Bahadur Krishnamachariar, who represents the Vaishnavites of the Madras Presidency, let me give a presentation of a paragraph from the Gazetteer of the Trichinopoly District. This is a Government publication. It was published in 1907 and was written by Mr. F. R. Hemmingway, Indian Civil Service.

Raja Bahadur G. Krishnamachariar: What does he know about the Hindu temples?

Rao Bahadur M. C. Rajah: You quoted Meghasthenes and Fah Hien, what do they know about our Hindu Religion? Sir, let me finish this. With reference to the Sree Rangan Temple, he says:

"A local legend states that the image of the god was placed in the temple by Vibhishana, brother of Ravana, who was of great assistance to Rama in his conquest of Ceylon."

Mr. C. S. Ranga Iyer: If my Honourable friend reads the Ramayana, he will find that Ravana was a Brahmin and so was his brother Vibhishana.

Rao Bahadur M. C. Rajah: As far as I know, Ravana was an ancient Dravidian King.

Mr. C. S. Ranga Iyer: But he was a Brahmin and the Honourable Member could not dispute the Ramayana on that point.

Rao Bahadur M. C. Rajah: It is something like saying that Tirupan Alwar was a Brahmin.

Raja Bahadur G. Krishnamachariar: The Honourable Member is misrepresenting me. I should like to say . . .

Rao Bahadur M. C. Rajah: I do not give way to my Honourable friend

Mr. President (The Honourable Sir Shanmukham Chetty): No Honourable Member can interfere unless the Honourable Member in possession of the House gives way.

Raja Bahadur G. Krishnamachariar: Not even when an Honourable Member is misrepresenting what I said.

Rao Bahadur M. C. Rajah: The Gazetteer continues:

"A local legend states that the image of the god was placed in the temple by Vibhishana, brother of Ravana, who was of great assistance to Rama in his conquest of Ceylon. In his gratitude, Rama gave him the image to take to Ceylon; but on the way hither he halted in Sree Rangan and the idol became fixed to the ground there."

So, that was the origin of the Sree Rangan Temple and the image was placed there by an ancient Dravidian, Vibhishana.

Now, Sir, I do not hold any brief for Mahatma Gandhi nor does he require anybody to defend him in this House. Since my revered Leader, the Raja Bahadur, had made certain distorted statements regarding the

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deputation of the depressed classes that waited on Mahatma Gandhi in Madras, I find it my duty to place certain facts before the House. The Raja Bahadur says "that one Mr. R. Srinivasan in Madras, a graduate, also a Vakil of the Madras High Court, and who had something to do with learning law under Sir C. P. Ramaswamy Aiyar" and, therefore, he said, he is an enrolled Vakil of the Madras High Court . . .

Raja Bahadur G. Krishnamachariar: I spoke subject to correction.

Rao Bahadur M. C. Rajah: I hope the Honourable Member means that he can say anything in the world subject to correction. He said, and, therefore, an enrolled Vakil of the Madras High Court gave an unpleasant half hour to Gandhiji. Let me say that, as far as I know, there is no person of this description in the Madras Presidency belonging to the depressed classes. But, Sir, it is true that my friend, Rao Bahadur R. Srinivasan, and a number of leading members belonging to the depressed classes, met Gandhiji on the 23rd December, 1933. It is stated in the newspapers that Swami Sahajananda and Mr. Pushparaj, B.Sc., B.L., prostrated before Gandhiji while a few others touched his feet and the scene was a striking demonstration of love and affection. In this connection, let me tell the House that Rao Bahadur Srinivasan did not say that he did not want temple entry. What he said was this and I read from the *Hindu*, dated December 23, 1933. He says: "As regards temple entry, we are not opposed to it". With reference to the expression "harijan", it is true that the depressed classes of Madras did not like that term "harijan", and when that was represented to Gandhiji, his reply was this:

"Lastly, to the name 'harijan', you say that the depressed classes were not consulted. They consulted me. That is the point. I have visited all parts of India. 'Why are we called Harijans', I am asked. Why should they not have a better name? That is the generality of feeling. 'For heaven's sake do not call us coolies' they pleaded. At one time this word had a particular significance."

Further on, Gandhiji says:

"It is not, as I said, my coming. An untouchable pleaded with me not to be known by any expression of eternal reproach. Depressed or suppressed reminds them of slavery, he very rightly said. 'I have no name to suggest, will you suggest', I asked. Then the man suggested 'Harijan'. He quoted in support from Narasimha Mehta, the Guzerathi poet who had used it in his works. I jumped at it."

Therefore, Sir, it seems that at the bidding of the depressed classes themselves he seems to have given that name. I am not very particularly interested in that at all.

Again, Sir, the other day, while speaking on the Temple Entry Bill, Raja Bahadur Krishnamachariar has said with reference to my friend, Dr. Ambedkar, that he too was not for temple entry. Here is a document in my possession to prove that Dr. Ambedkar is for temple entry. The document is dated 11th January, 1930, and it was sent to me from the office of the Temple Entry Satyagraha Committee, Nasik. This circular letter was addressed to me by one Mr. B. K. Gaikwad, Secretary of the Satyagraha Committee, Nasik, and it runs as follows:

"I hope you are aware of the Kala Ram Temple Entry Satyagraha of Nasik conducted under the leadership of Dr. Bha Saheb Ambedkar, last year. The short summary of the same is as under."

Well, Sir, I need not tire the House with all the details. The request that is made in this circular letter to me is this:

"Now, the Committee, with the full consent and a sort of order from Dr. Baba Saheb Ambedkar, who is just now sitting on the Round Table Conference, decide to begin again Satyagraha. But this time we do not care to have it only as a local show. It is an all-India question, and the honour of all Indian untouchables is in the scales. And I write this letter on behalf of the Committee to request you very strongly that you please take up the question and use all your resources for the cause."

Sir, with reference to my politics and the politics of Gandhiji, let me say a word. Politically even myself and Mahatma Gandhi are poles as under and, so far as I know, Mahatma Gandhi does not wish to interfere in our politics. I can assure this House that he had not interfered with our politics till now. Sir, after all, my revered Leader, Raja Bahadur Krishnamachariar, was arguing his case in this House as a police court advocate. As he represents the orthodox section of the Hindu community, a microscopic minority, he has to champion their cause in this House. But, I am glad to note that he has shown his real feeling and a sense of responsibility when he said that, in his own life time, he had seen things which no one expected thirty years ago. He believes that greater changes might follow during the next fifteen years. Therefore, why force the pace, he asks, and thus divide a great community and thus lose a very great chance of uniting together and pulling together to obtain our goal. It seems to me that the Raja Bahadur concedes that what is objectionable now will become inevitable at no later period. Might I ask the Raja Bahadur why delay justice by fifteen years. Justice delayed is justice denied.

Now, coming to my Honourable friend, Pandit Sen, the high priest of orthodoxy in this House, my Honourable friend complained that some of his friends cried "Down with Manu, long live Gandhi". Though this is a new slogan to Pandit Sen, I find I have been hearing of another slogan "Down with Manu and burn the Code of Manu" for the last 25 years. I myself presided over huge meetings in various parts of the country where resolutions were passed and sent to Government to expunge the Code of Manu from the list of legal authorities on Hindu customs, and in certain meetings resolutions were passed to burn the Code of Manu, and in some meetings copies of "the Code of Manu" were actually burnt and reduced to ashes.

Pandit Sen is just like the frog in the well. He does not seem to know what is happening in the country. Pandit Sen denounces not only Mahatma Gandhi as being a non-Hindu, he denounces Dr. Tagore and Sir P. C. Ray as being non-Hindus. At the same time, Pandit Sen is working in the City College, founded, financed and conducted by Brahmos! After all, Pandit Sen and the so-called Sanatanists quote Shastras in support of their contentions. I also base my vehement opposition to untouchability on the same Shastras by which these men swear. There are very learned men who have just as much right or perhaps a better right to interpret the Shastras as the so-called Pandits.

Coming to the question of authority, so far as social and moral arguments are concerned, they have been exhausted and even the orthodox people are inclined to accept them. The fact that they seek shelter in Shastras shows that on pure moral grounds, on grounds of reason and justice, not to speak of patriotism and progress and nationalism, they are not able to justify untouchability. They seek shelter of authority, and when the Shastras are not able to speak with a certain and unmistakable voice, they fall back upon custom, knowing that custom possesses legal sanction

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and that the Courts will uphold it when the existence of the custom is once proved. As things exist at present, it is law that sustains custom, not even the Shastras that sustain untouchability. That is to say, in the ultimate analysis, it is law that sustains untouchability. If it is law that sustains untouchability, it is only law that can deprive it of its binding power. In the name of law and order, untouchability is maintained. Recent research has indicated that untouchability has but a shadowy support in ancient Hindu scriptures and that its strength lies in its observance and the latter day Smritis. Now that the recognition has come, untouchability is a foul blot on Hinduism. What should be the aim of every one concerned in the welfare of Hinduism? The aim should be its abolition. Sir, the Shastras were written thousands of years ago. These pernicious customs and usages were introduced into the Hindu society thousands of years ago when there were no Muslims and Christians in India. Those who were responsible for these customs and usages did not know what would happen now. They merely adopted them to suit the then existing conditions. They had not the wisdom to follow the practice after (say) about 2,000 years, when the world has completely changed. Would Pandit Sen's and Pandit Jha's grandfathers have ever dreamt that their grandsons would travel in Railway carriages dressed in the latest fashion with shirts, coats, collars, ties and shoes? Would they have dreamt of aerated waters manufactured by our Shudra brethren or would they have dreamt of the banquets attended by our orthodox friends in Hotel Cecil or the Government House where food and eatables are prepared and served by Muslims, Christians and members of the depressed classes? God has given us enough foresight and intelligence, we are not going to be bound down any more by the ante-diluvian, stupid customs.

There is absolutely no meaning in assuming that all the best has manifested itself in the past. God's manifestation is progressive. Men must look forward and wait for the revelation and jump into it setting fire to every part of his life,—political, intellectual, social and religious,—until he is prepared to say that he had perfect life, perfect bliss and perfect knowledge. Religion must march with the times and this has been one of the essential characteristics of our Hindu religion, which distinguishes it from other religions, namely, that it expressly admits the possibility to suit altered circumstances. A careful study of the history of Hinduism would clearly reveal that there had been every now and then, whenever necessary, such movements for purifying the Hindu society and Hindu religion in the past, which had been led by religious reformers whose lead had been accepted without any question by all sections of the community. For instance, let me remind my orthodox Vaishnavite friends in this House of the religious revival of Sree Ramanujacharya. Did he not give *Mulamantram* to all persons in spite of the protests from his *Guru* who said that he would go to hell if he only did so? But what was the reply of Sree Ramanujacharya? Did he not say, "Let me go to hell, but let these thousands go to heaven by the benefit of the *Mulamantra*"? Again, did not Sree Ramanuja, who is worshipped by true Vaishnavite devotees even to this day, increase the Brahmin fold by recruiting into it barbers, weavers, potters, and toddy drawers and give them the appellation *Tirumanis*, by giving them *Diksha* and converting them as Vaishnavite Brahmins? And Sree Ramanuja did this in one generation without the necessity of any re-birth.

I have already pointed out that the Shastras did not sanction caste or untouchability, and untouchability is not religion but irreligion. The present day caste cannot be identified with those of the past. It should be borne

in mind that the division of Hindus into four castes was based merely upon division of labour and that there was no hard and fast rule that one caste should not adopt the profession of another. The so-called untouchables or depressed classes do not come under the term Chandalas as Pandit Sen seems to think. Fah Hlin also refers to Chandalas. The Sanatanists are mistaking the depressed classes for the Chandalas. Nothing can be further from the truth. The term 'Chandala', contemplated by the Shastras, means an illegitimate son born of a Brahmin woman with a Shudra paramour. If the number of such erring Brahmin women was so great as to produce such a large community as the depressed classes who form nearly one-sixth of the population of India, then such a Brahmin community is not worth having and every Brahmin will be ashamed to call himself as such. The origin of the depressed classes through such a source is physically impossible because if the contribution to the depressed classes went on at such high rate in olden times, we do not see even a minute fraction thereof taking place nowadays. Nor do we even hear of such cases now. It may be conceded that a few such Chandalas might have been foisted upon the depressed classes and the depressed classes might have been compelled to take them into their fold and a few such Chandalas might have merged therein. But to brand the whole community of the depressed classes as Chandalas is a strange misreading of history and a misinterpretation of the Shastras. Mr. V. Kanakasabai Pillai, in his work "Tamils Eighteen Hundred Years Ago", published in 1904, has stated that there was a class of people known as "Pulayars" even in *pre-Aryan days*, i.e., *pre-Shastric days*. Mr. P. K. Arunachalam Pillai, M.A., of the Annamalai University, in his article of the "Historical Importance of Tholakkappiam", has stated the same thing. Mr. P. T. Srinivasa Ayyangar, in his work on pre-Aryan Tamil Culture, has also stated the same thing. Dr. P. S. Subramanya Shastri, M.A., (Oxon.), Principal, Sanskrit College, Tiruvadi, who is now making researches in pre-Aryan Tamil literature, said in one of his lectures at Tiruvadi that there was a class of people known as Pulayars even before the advent of the Aryans into Southern India, and he quoted "Chalappadikaram" as his authority therefor. In support of the above, Mr. S. Somasundara Bharathi, M.A., B.L., Professor of Tamil, Annamalai University, in his lecture on "Untouchability and Social Lift", delivered at the said University on the 7th September, 1933, states as follows:

"The genesis of the system of untouchability was to be found in a historic accident and not in the religious gospel."

Chandalas are mixed castes like the Vaidyas to which class my friend, Pandit Sen, belongs.

Pandit Satyendra Nath Sen: That shows that the Shastras are as yet a sealed book to you.

Rao Bahadur M. C. Rajah: I have got records to prove when I say that Vaidyas trace their origin to a degraded Brahmin marrying a low-caste Shudra woman. I will not tire the House by reading them, but I will give the references. I will refer my friend to Risley's "People of India", pages 116-117, and also the Census of India Report, Bengal and Sikkim, Volume V, page 456. And then there is his great authority, the Code of

[Rao Bahadur M. C. Rajah.]

Manu, which says that the Vaidyas are Antyajas, pages 404-405. Let by Honourable friend read through all these.

Sir, we belong to an independent race and we are an ancient people. We had our own advanced civilisation long before the Aryans came to India. We reached the agricultural stage many centuries before when the Aryans were still in the pastoral stage leading the life of nomads.

Sir, my Honourable friend, Mr. Amar Nath Dutt, quoted chapter and verse from a book recently written by Sir Albion Banerjea. I
5 P.M. think Sir Albion Banerjea was also connected with the Mysore State. If you refer to the Indian Antiquary, Vol. 3 of 1874, page 191, you will see stated there:

"It was well known that the servile castes in Southern India once held far higher positions and were indeed masters of the land on the arrival of the Brahminical races. It is not so well known that the Brahmin, who considers himself polluted by the touch of an Adi-Dravida, will not be allowed to enter the *cheri natham*, or the dwelling of the depressed classes. Should a Brahmin venture into a *cheri*, water with which cow dung has been mixed is thrown on his head and he is driven out."

It is also stated in the Indian Antiquary, 1873, Vol. 2:

"The Brahmins of Mysore consider that a great luck will await them if they can manage to pass through the Holiya (depressed classes) quarters of a village unmolested and that, should a Brahmin attempt to enter their quarters, they turn out in a body and slipper him."

These are from records published in 1873 and 1874, and not my own inventions. I can cite instances after instances of the greatness of Adi-Dravidas. Pandit Sen says that untouchability, as practised in India, is the mildest of all. as if he has travelled throughout the world and studied the conditions of untouchables in other parts of the globe. Let me tell him that a little knowledge is a dangerous thing. Untouchability, as practised in India, is nowhere found in the globe. In India, untouchability is based on man's arrogance, while, in other parts of the globe, it is based on the economic position of a class. In India, the depressed classes owe their miserable condition to social, economic and religious rules operating against them through centuries. The peculiarity in the case of India does not lie in the existence of such a class, but rather in the means employed to keep that class permanently under the blockade set up by the usurpers of power and influence.

Pandit Sen said that if the House passes this Bill, he will create a position in India just like the Mutiny of 1857. No one is afraid of the threats of Pandit Sen, the high priest of orthodoxy. If he really means what he says, the depressed classes will not in any way lag behind to take up the challenge. But I can assure the House and the Government that we are a peaceful and law-abiding people, but we are also a martial race; and if my friend, Pandit Sen, engineers a mutiny and creates confusion in the country, I say, the British Government should either take proper steps to restrain these people or allow both the parties to decide the issue by a trial of strength.

Sir, every human being is divine material, to be made and moulded into the highest perfection, both physical and intellectual. People only exaggerate differences. What are exceptional endowments of a few are in the main due to differences of opportunity. Every individual ought

to be given the fullest opportunity to develop his capacities to the utmost. It is opposed to the teachings of our Hindu religion to say that each man must live and die in the environment into which he is born. By birth alone one does not become superior to another, and birth alone did not make caste. The glories of your birth and state are shadows, not substantial things. It is said in the Mahabharata that if they found qualities in a Shudra adorning a Brahmin, he should be regarded as a Brahmin, and if they found the qualities of a Shudra in a Brahmin, he should be looked down upon as a Shudra. Only actions of the just smell sweet and blossom in the dust.

Sir, what the law can do for the removal of untouchability is answered by the statement that wherever untouchability is brought up for recognition before the tribunals of the land, it can authorise these tribunals to refuse to recognise untouchability on any ground whatsoever. While it is difficult to enumerate all the forms in which untouchability operates in the life of the country, few facts are more conspicuous than the extent and depth of its pervasiveness in Hindu society. In economic pursuits, in social dealings, in religious worship, even in the satisfaction of the elementary amenities of life such as access to drinking water, untouchability affects the life of the Hindu people. Any attempt to change the existing state of affairs is immediately resisted; and if the resistance is resented, the arm of the law, through Civil and Criminal Courts, is invoked. Established authority, when appealed to, always takes the side of those who want to maintain the *status quo*. The weapon most often used for this purpose is section 144 of the Criminal Procedure Code so far as the police and the magistracy are concerned. As for the Civil Courts, custom is one of the laws which they have to administer.

As observed by Sir James Colville, in delivering the judgment of the Judicial Committee of the Privy Council in the Ramnad case:

"The duty of a European Judge who is under obligation to administer the Hindu Law, is not so much as to enquire whether a disputed doctrine is fairly deducible from the earliest authorities, as to ascertain whether it has been received by the particular school which govern the district with which he has to deal and has there been sanctioned by usage, for under Hindu Law clear proof of usage will outweigh the written text of law."

This is exactly what Sanatanists are claiming when they want the country to follow not the Shastras as they are, but the Shastras as "traditionally interpreted and followed". The Courts are helping them to do it. That is also why Mr. Mayne is constrained to remark in his book on Hindu Law that the advent of British Courts has helped to arrest the progress of Hindu society and petrify social customs by throwing over them the mantle of judicial recognition with the powerful sanction enforced by the British Courts of law. It is only for the Honourable the Law Member that I am saying this. It is claimed by the caste Hindus that few customs have had longer standing than untouchability. The Courts have recognised untouchability as a legal institution with respect to more than public places and institutions.

It is, therefore, imperative that the Legislature should intervene and say distinctly that the Courts of law will not recognise this custom any longer. Public recognition that Courts and public institutions will not countenance untouchability will go a long way to help in its removal, both by encouraging the depressed classes and by discouraging those who want to preserve it. With these words, I resume my seat.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would first put the amendment of Raja Bahadur Krishnamachariar to vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st August 1934."

Rao Bahadur M. C. Rajah: Sir, I accept the motion.

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 5th February. You, Sir, have directed that the House will sit for the transaction of official business on Monday, the 5th, and Wednesday, the 7th. On the 5th, motions will be made for leave to introduce (1) a Bill to amend the Indian Medical Council Act, (2) a Bill to amend the Indian Tariff Act in connection with the protection of the textile industry. Thereafter, the discussion of the motion for reference to Select Committee of the States Protection Bill will be resumed. The other business which will be placed on the List for Wednesday, the 7th, is as follows.

"Motions for consideration and passing of the Bills to give further life to the Act, imposing an import duty on wheat and protecting the Steel and Wire Industries, and also of the Bill to amend the Sea Customs Act which was introduced on the 29th of last month"

Should time permit of it, motions will also be made for reference to Select Committee of the Payment of Wages Bill and the Indian Navy Discipline Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 5th February, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 5th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN:

Lieut.-Colonel Sir Henry Gidney, Kt., M.L.A. (Nominated Non-Official):

QUESTIONS AND ANSWERS.

RECRUITMENT OF POSTAL CLERKS IN MADRAS.

66. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether there has recently been any recruitment of clerks in the Postal Department at Madras? If so, how many candidates were selected?

(b) How many of the total number selected are the sons and immediate relatives of the postal employees?

(c) Is there any departmental rule to the effect that in the matter of selection of candidates for appointment, preference should be given to the sons of those who are already in service?

The Honourable Sir Frank Noyce: (a) and (b) Information has been called for and will be laid on the table of the House in due course.

(c) Preference is usually given to the sons of postal officials already in service over those who are not the dependents of deceased and retired postal employees.

Mr. Lalchand Navalrai: May I know if there is a Selection Board for selecting these clerks, or they are selected by the head of the Office?

The Honourable Sir Frank Noyce: I must ask for notice of that question.

Mr. K. P. Thampan: May I know whether there is any other Department under Government where such preference is given to the sons of the employees?

The Honourable Sir Frank Noyce: I am afraid I must also ask for notice.

Mr. Lalchand Navalrai: May I know if, when preference is given, it is given on merits, or the people are merely selected whether they have merit or not.

The Honourable Sir Frank Noyce: No, Sir; preference is only given in cases in which the applicant is properly qualified. I may perhaps explain for the benefit of the House that this preference is usually given to the relatives of the inferior staff, and it does often provide a way of doing something to help them. If Honourable Members had, as I have to do, an opportunity to go through the applications for help from our compassionate fund, they would find what a useful measure this is. It does enable us to help families in necessitous cases. The amount available in the compassionate fund is extremely limited and does not go very far, and we can occasionally, not very often, but we can occasionally help by giving this preference, and for that reason it is a very useful measure.

Mr. Lalchand Navalrai: I do not object to such preference being given, but what I want to know is this, when preference is given, are the qualifications of candidates equal, or simply because a candidate is the son of a clerk and has no proper qualifications that he is given preference?

The Honourable Sir Frank Noyce: I think, Sir, it is correct to state that preference in these cases is usually given in regard to a class of appointments such as postmen and mail-runners and people of that kind where the qualifications of candidates are much of a muchness.

Mr. K. P. Thampan: Does not the Honourable Member think that it is an injustice to other men, whose fathers do not happen to be in the service to accord a kind of monopoly as it were to the families of a few people?

The Honourable Sir Frank Noyce: There is no question of monopoly. The number of cases in which it is possible to give preference is very small.

Mr. Lalchand Navalrai: May I know, therefore, that in cadres higher than in the subordinate cadre it is a crime to give preference to the sons of those who have already worked in that office? My learned friend thinks on this side that no preference should be given at all. I am not of that opinion. What I am asking is, whether it is a crime to give preference to those people whose relatives had worked under Government and who are equally qualified?

The Honourable Sir Frank Noyce: If, Sir, Government thought that it was a crime, they obviously would not do it.

DISCONTINUANCE OF OFFICIATING PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

67. *Pandit Satyendra Nath Sen: (a) Is it a fact that in the Railway Clearing Accounts Office, officiating promotions in the clerical grades have been discontinued whereas in some other Accounts Offices such promotions continue to be made?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons for this singular treatment meted out to the staff of that office?

Mr. P. R. Rau: (a) and (b). Officiating promotions are ordinarily admissible only if the officiating appointment involves the assumption of

duties and responsibilities of greater importance than those attaching to the post held substantively by an officer. I am informed that officiating promotions in certain clerical grades are not being given in the Railway Clearing Accounts Office, as also in some other Railway Accounts Offices, as the question of classifying the various charges has presented serious difficulties. The matter is under examination.

OUT OF TURN CONFIRMATIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

68. ***Pandit Satyendra Nath Sen:** (a) Will Government please state if under the rules any preference is given to Appendix D and E men in the State Railway Accounts Offices for promotion in the clerical grades?

(b) If the reply to part (a) be in the negative, will Government please state why such men have been confirmed out of turn in the higher clerical grades in the Railway Clearing Accounts Office?

Mr. P. R. Rau: (a) and (b). I understand orders were issued in 1930 that clerks who had passed the Appendix E Examination should be confirmed as clerks Class II in preference to others. Apart from this no preference is given in the matter of promotion in the clerical grades to men merely because of their having passed the Appendix D or E Examination but the rules require that selection for promotion should be based on merit.

CLASSIFICATION OF THE CHARGES IN THE CLERICAL GRADES IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

69. ***Pandit Satyendra Nath Sen:** (a) Is it a fact that in the Railway Clearing Accounts Office, routine clerks are made to discharge the duties of clerks class III and class II for prolonged periods without any extra remuneration?

(b) Will Government be pleased to state the total number of such clerks at present?

(c) Do Government propose to regularise the matter by classifying the charges between routine clerks, clerks Class III, II and I?

(d) Is it a fact that the question of classifying the charges in the clerical grades is under consideration of the Director, Railway Clearing Accounts Office, for the last twelve months? If so, why have the charges not been classified as yet?

Mr. P. R. Rau: (a) and (b). I am informed that in certain cases routine clerks have been employed on clerical duties. The matter is I understand receiving the attention of the Controller of Railway Accounts.

(c) and (d). The question is under examination, but as I have already said, it presents considerable difficulties and I am afraid it may be some time before a final solution is arrived at.

MOVE OF THE GOVERNMENT OF INDIA SECRETARIAT BETWEEN SIMLA AND NEW DELHI.

70. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether they have finally dropped the consideration of the question of curtailing the Secretariat's move to Simla for summer? If so, what are the grounds?

(b) Is this question to be reconsidered when the new federal constitution comes into force? If so, when is the federal constitution coming into force?

The Honourable Sir Harry Haig: (a) and (b). The Government have carefully considered the question in all its bearings and have decided that the present arrangements, which are in their opinion definitely the most efficient, should not be altered until constitutional changes require it. I am not in a position to say when the Federal Constitution will come into force.

COST OF THE SIMLA EXODUS.

71. ***Mr. Lalchand Navalrai:** Will Government be pleased to state how much the Simla exodus costs the Indian exchequer?

The Honourable Sir Harry Haig: I would refer the Honourable Member to the reply given by the Honourable Sir George Schuster to part (c) of Mr. Maswood Ahmad's starred question No. 1291 on November 21, 1932.

Mr. N. M. Joshi: May I know whether the Government spent a lot of money to improve the water supply of Delhi as they wanted to stay in Delhi longer and whether Government will not now incur a loss on that account?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer that question. The improvement in the water supply was not made primarily with the object of enabling the Government of India to stay down here.

Mr. N. M. Joshi: May I know, how much of the additional cost of the water supply was intended for the exodus and how much for ordinary purposes?

Mr. G. S. Bajpai: The position is that the Government of India have not incurred any cost themselves. They have lent money to the Joint Water Board for the purpose, and they will recover it from the Joint Water Board in the usual way.

Raja Bahadur G. Krishnamachariar: In any case, having spent all the money to improve the amenities of life in Delhi, will Government consider the question of staying down longer rather than hustle us in the Assembly and expect us to finish the business according to the time table prepared by Government to run up to Simla?

The Honourable Sir Harry Haig: I am afraid I could not hear the Honourable Member's question.

Raja Bahadur G. Krishnamachariar: Having improved the amenities of life in Delhi by improving the water supply, will Government be pleased to postpone their departure to Simla instead of hustling us here in the Assembly to get through all their Bills and legislative business according to their time table to go up to Simla?

The Honourable Sir Harry Haig: The Government hope to be able to complete their legislative business in the present Session before leaving Delhi.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Simla exodus cost is approximately so much that it should be avoided, because the Honourable the Finance Member would be jealous of spending all that money. I have no idea now of the amount of money spent on the exodus, because the Honourable Member referred to it a long time ago.

The Honourable Sir Harry Haig: The answers to which I referred were to the effect that the annual saving would be 8 lakhs 70 thousand approximately, but the Honourable the Finance Member had previously explained that about half of that saving would be at the expense of the North Western Railway, so that, taking a broad view, it would not benefit the Government finances very much.

Mr. Lalchand Navalrai: Does not the Honourable Member think that even what is spent now could be used in stopping the retrenchment of staff which is now going on? Will it not be more profitable?

The Honourable Sir Harry Haig: But efficiency also has a money value.

Mr. Lalchand Navalrai: I do not know if there is no efficiency in working in Delhi.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member cannot be making comments on the answers. He must ask supplementary questions and not make comments.

Mr. Lalchand Navalrai: I am adding the question at the end.

Mr. President (The Honourable Sir Shanmukham Chetty): Is the Honourable Member putting the question or giving the answer?

Mr. Lalchand Navalrai: No, Sir. I am not giving the answer. I put my facts and then put my question and I get an answer.

Mr. S. C. Mitra: Is it a fact that insufficiency of water supply in New Delhi was one of the main reasons for not putting a stop to the exodus?

The Honourable Sir Harry Haig: Since the water supply has been put on a satisfactory footing, the Government of India have considered the whole of this question on its merits and have come to the conclusion which I have just communicated to the House.

Mr. N. M. Joshi: May I ask whether the Government of India did not consider the question on its merits when they considered the question of the water supply?

The Honourable Sir Harry Haig: I am not familiar with the full details of the question about water supply. I have no doubt that, the improvement in water supply was made, because it was considered necessary in view of the general requirements of the Government of India during the period they are in Delhi.

Mr. Gaya Prasad Singh: Is it not a fact that a Session of the Central Legislature in Delhi costs considerably more to the general taxpayer than a Session held in Simla?

The Honourable Sir Harry Haig: I am told by some of my Honourable colleagues that that is so.

ALLEGATIONS AGAINST BRITISH OFFICERS AND SOLDIERS.

72. *Mr. Lalchand Navalrai: (a) Are Government aware that on Indian Railways, both State and Company-managed, British officers and soldiers travelling in first and second class compartments create trouble for Indian travelling public by not allowing them to occupy vacant berths, and by turning them out of the compartments?

(b) Is it a fact that instances have occurred where such conduct of British soldiers has resulted in blows, inconvenience being caused to Indian gentlemen and ladies?

(c) Are Government aware that on such occasions the Railway authorities and, sometimes, the Police who were present, were unable to control them?

(d) Are Government aware of such an instance having recently occurred at Hyderabad (Sind) on the North Western Railway, as published in the *Sansar Samachar*, Karachi, dated the 18th January, 1934?

(e) Will Government please state for the information of this House as to what action have Railways taken against this very long standing nuisance?

(f) Will the Army Secretary please inform this House if he is aware of such occurrences, and, if so, what steps have the Military Department taken in the interest of discipline amongst such military officers and soldiers and to eradicate such long standing abuse of Railway rules, and what steps are Government now taking in that direction?

Mr. G. R. F. Tottenham: (a), (b), (c), (d) and (f). Orders were issued some years ago by His Excellency the Commander-in-Chief to all ranks stressing the importance of correct and seemly behaviour when travelling on railways and informing them that stringent disciplinary action would be taken against any soldier who behaved insultingly towards Indians. These orders are still in force. I have no reason to believe, nor has the Honourable Member given any reason to believe, that they are not being obeyed. The extract from the paper referred to in part (d) does not even allege that the individual complained of belonged to the Army.

(e) Enquiries are being made and information will be laid on the table in due course.

Mr. Gaya Prasad Singh: Where can I get a copy of the order to which reference has been made by the Honourable Member?

Mr. G. R. F. Tottenham: The orders that I have just read out? They will appear in the proceedings of the House.

Mr. Lalchand Navalrai: May I know whether those orders were published in the newspapers?

Mr. G. R. F. Tottenham: The orders were issued by the Commander-in-Chief to the Army, and I have just read out what those orders were.

Mr. Lalchand Navalrai: May I know whether since these orders were passed, there have been any instances in which Indians have been maltreated?

Mr. G. R. F. Tottenham: Certainly, during the last two or three years, as far as I am aware, no instances of this kind have come to the notice of the Army Headquarters or the Government of India. Perhaps I cannot say none, but very, very few.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether he is prepared to enquire with regard to the particular incident I have brought to his notice in the question?

Mr. G. R. F. Tottenham: I see no necessity to make any enquiry on the very vague allegations which are made in the article.

Mr. Lalchand Navalrai: May I inform the Honourable Member that the matter was personally brought to my notice, and I request him to make an enquiry into the incident.

Mr. G. R. F. Tottenham: I do not gather that that is a question.

Mr. Lalchand Navalrai: I may say, I come from Sind and this incident was personally brought to my knowledge, and so this is first hand information. Therefore, I request that he may enquire into the incident and place the reply on the table.

Mr. G. R. F. Tottenham: That, Sir, does not seem to me to be a question.

Mr. Lalchand Navalrai: Will the Honourable Member make enquiries and place the reply on the table of the House?

Mr. G. R. F. Tottenham: No, Sir. I do not think it is necessary to make an enquiry.

Mr. Lalchand Navalrai: Will the Honourable Member tell me why it is not necessary?

Mr. G. R. F. Tottenham: Because the allegation is extremely vague and unsupported by facts.

Mr. Lalchand Navalrai: If the Honourable Member means that I should give more facts, I am prepared to do that.

Mr. G. R. F. Tottenham: Certainly.

SURCHARGE ON COAL FREIGHTS.

73. ***Mr. G. Morgan:** Are Government aware that the imposition of 15 per cent. surcharge on coal freights has proved a serious burden to Indian industries, and will Government be pleased to state whether the surcharge is likely to be reduced or abolished in the near future?

Mr. P. R. Rau: It has been estimated that the increase in earnings of Railways due to the surcharge is in the neighbourhood of 65 lakhs and I

am afraid the financial position of Railways at present is not such as would justify their foregoing this amount. In the absence of a marked improvement in the position of Indian Railways, Government cannot hold out any hopes of an abolition of the surcharge. I may add, however, that in view of various representations made to them on the subject, Government are considering whether the surcharge bears unduly heavily on long distance traffic and requires modification in such cases. They are collecting statistics in order to enable them to arrive at a decision.

SURCHARGE ON COAL FREIGHTS.

74. *Mr. G. Morgan: Are Government aware that since the imposition of the 15 per cent. surcharge on coal freights a large number of mills and factories have already changed over to electrical power and that if the surcharge is allowed to remain in force for any length of time it is probable that many others will change over to electricity with the result that a considerable amount of revenue from coal traffic will be lost to the Railways?

Mr. P. R. Rau: At the meeting that Sir Guthrie Russell and I had with the Indian Mining Association recently a statement was made by one of the members to the effect that the Calcutta Electric Supply Corporation had reduced their rates and that a number of jute mills had been persuaded to change over to electricity. The surcharge has increased the cost of coal in Calcutta by about 12 annas per ton and it is doubtful whether the slight saving that this implies in the cost would by itself induce mills and factories to incur additional expenditure on the entire re-equipment of mills and factories which would be necessary if they were to change over to electricity. The point, however, is receiving the consideration of the Railway Board.

Mr. N. M. Joshi: May I ask whether the Government of India look upon mills and factories using electricity with disfavour?

Mr. P. R. Rau: No; an extension of this process is inevitable.

EQUALITY IN TREATMENT OF THE INDIAN MINING ASSOCIATION AND THE INDIAN MINING FEDERATION

75. *Mr. G. Morgan: (a) Is it a fact that the Indian Mining Association and the Indian Mining Federation are treated on an equal footing by Government?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state on what grounds both the Association and the Federation are treated alike, having regard to the fact that members of the Indian Mining Association are responsible for approximately 75 per cent. of the total output of coal?

The Honourable Sir Frank Noyce: (a) I am not sure what the Honourable Member means by "an equal footing". Government endeavour to accord equally fair treatment to all representative associations whatever their size, but this does not mean that in considering any particular question, they attach equal weight to the views of every association.

(b) Does not arise.

PURCHASE OF COAL BY STATE RAILWAYS.

76. *Mr. G. Morgan: (a) Will Government be pleased to state whether the fact that certain firms give the Railways much more freight than other firms, carries any weight when the purchases of coal on behalf of State Railways is decided?

(b) Will Government be pleased to lay on the table a statement showing the names of colliery concerns whose tenders for the supply of coal to the State Railways were accepted for the years 1932-33 and 1933-34 and who have failed to carry out their contract obligations?

(c) Will Government be pleased to state how the rates for the current year's contract for raising coal from railway collieries compare with the rates for the previous years contracts?

Mr. P. R. Rau: (a) The selection of coal to be purchased for State Railways is made mainly on the price and quality of the coal offered together with the distance of the colliery from the place at which the coal is required, but as the House is aware, we have for the past few years also taken into consideration the desirability of distributing the orders in order to keep as large a number of the collieries as possible in existence.

(b) Government are not aware that any have failed to carry out their obligations, but are obtaining the information and I shall lay a statement on the table in due course.

(c) Fresh tenders have been called for raising coal in State Railway Collieries but any new rates that may be decided on after considering the tenders will not have effect during the current financial year.

PLACING OF RAILWAY COLLIERIES UNDER THE CONTROL OF THE STATUTORY RAILWAY BOARD.

77. *Mr. G. Morgan: (a) Having regard to the fact that in the White Paper proposals it is recommended that the actual control of the administration of Railways in India should be placed in the hands of a Statutory Railway Board, will Government be pleased to state whether Railway collieries will be placed under the control of this Statutory body?

(b) Are Government aware that collieries owned by private enterprise are ready and willing to supply coal to Government departments at reasonable rates? If so, are Government prepared to recommend that Railway collieries be conserved as a national asset?

Mr. P. R. Rau: (a) Presumably so.

(b) I am glad to have that assurance from the Honourable Member, but it is quite possible that he and I might not agree to what are reasonable rates. As the House is aware, Government have already restricted raisings from railway collieries to a considerable extent and are at present taking from them not more than one-third of their total requirements. In 1934-35, State-managed Railways will raise only 1,190,000 tons from their own collieries, which is less than 45 per cent. of their present capacity. Government do not consider that it would be in the public interest to stop the working of the State Railway Collieries entirely as suggested by the Honourable Member.

SELECTION GRADE POSTS IN THE BOMBAY AND CALCUTTA GENERAL POST OFFICES.

78. *Mr. S. C. Mitra: (a) Is it a fact that selection grade posts in the grade of Rs. 250—350 in Bombay and Calcutta General Post Offices are opened in the Bombay and Bengal and Assam Circles, *i.e.*, the senior-most official in the grade of Rs. 160—250, working in either of these towns or in muffassil, gets promotion in that grade?

(b) Is it a fact that in Calcutta these posts are exclusively being filled up by senior officials from muffassil in the grade of Rs. 160—250?

(c) Is it also a fact that during the next few years officials from the muffassil will get promotion in the grade of Rs. 250—350 and none from Calcutta?

(d) If so, why?

(e) Is it a fact that in the muffassil an official reaches the grade of Rs. 160—250 after nine or ten years' service and gains seniority, while an official of Calcutta cannot get into that grade before at least 20 years' service?

(f) Do Government realize that the officials of Calcutta have been placed in a great disadvantageous position? If so, what is the remedy?

The Honourable Sir Frank Noyce: (a) Promotions to the grade of Rs. 250—350 are made by selection from the combined list of senior officials in the grade of Rs. 160—250, whether working in the muffassil or in a Presidency town.

(b) No.

(c) The fact is probably as stated by the Honourable Member.

(d) Because the senior officials in the grade of Rs. 160—250 happen to be employed at present in the muffassil.

(e) No.

(f) No. The latter part of the question does not arise.

COMMITTEE TO ENQUIRE INTO THE POSSIBILITIES OF FURTHER ECONOMY IN THE POSTAL DEPARTMENT.

79. *Mr. S. C. Mitra: (a) Is it a fact that Government have appointed a committee, under the presidentship of Mr. S. P. Verma, to enquire into the possibilities of further economy in the Postal Department?

(b) What are the terms of reference of the said committee, and who will be members of the committee?

(c) What was the cost of the Telegraph Establishment Enquiry Committee, and what will be the cost of the proposed committee?

The Honourable Sir Frank Noyce: (a) and (b). No, but Government propose to appoint a committee to investigate and overhaul the methods of work adopted in the postal branch of the Posts and Telegraphs Department and the manner in which the strength of various kinds of personnel required in that branch is determined. The personnel of the Committee has not yet been settled.

(c) The total expenditure incurred in connexion with the Telegraph Establishment Enquiry Committee amounted to Rs. 33,126-2-0. The cost of the proposed Postal Committee is estimated at Rs. 60,000.

**EXPOSED CONDITION OF THE POST OFFICE IN THE COUNCIL HOUSE,
NEW DELHI.**

80. ***Rao Bahadur M. O. Rajah:** (a) Has the attention of Government been drawn to the exposed condition of the Post Office situated in the Council House?

(b) Do Government propose to take immediate steps to have the Post Office protected from the cold winds?

The Honourable Sir Frank Noyce: (a) I am aware that the Post Office is in a somewhat exposed position.

(b) The matter has been referred to the Public Works Department which, it is hoped, may be able to effect an improvement.

**SHORTAGE OF STAFF IN THE MONEY ORDER DEPARTMENT, CALCUTTA
GENERAL POST OFFICE.**

81. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state what is the number of clerks and selection grade supervisors of the Money Order Department, Calcutta General Post Office?

(b) Is it a fact that the clerks of that department are required generally to work up to 8 P.M. every day? If so, why?

(c) Do Government propose to arrange to collect statistics of the department in order to see whether additional staff is justified or not?

(d) Is it a fact that clerks have been retrenched in many departments of the Calcutta General Post Office due to fall of traffic, but although there was increase of work in the Money Order Department additional staff was not sanctioned?

(e) Will Government please also state how many supervisory posts are justified in that department according to Mr. Bewoor's Time Test?

The Honourable Sir Frank Noyce: (a) There are 64 clerks, 4 supervisors in the selection grades and 2 supervisors in the ordinary time scale.

(b) As a general rule, the staff are not required to work after 7 P.M. The second part of the question does not arise.

(c) The matter will be reviewed by the Head of the Circle as suggested by the Honourable Member.

(d) Retrenchment was effected only in those departments in which clerical posts were found in excess of actual requirements after a review of the work. In the Money Order Department, the statistics showed a decrease in work and the question of any additional staff did not therefore arise.

(e) Ten. It may be mentioned that for purposes of determining the strength of any particular establishment Mr. Bewoor's time-tests are intended to serve as a guide and must be supplemented by an intelligent appreciation of the actual conditions and circumstances in each case.

HUNGER-STRIKE IN THE DEOLI DETENTION CAMP.

82. ***Mr. S. C. Mitra:** (a) Is it a fact that there was a hunger-strike at the Deoli Detention Camp in January, 1934?

(b) Is the hunger-strike over now?

- (c) How long did it last?
- (d) How many detenus took part in the hunger-strike?
- (e) What was the cause of the hunger-strike?
- (f) Are the hunger-strikers all well now?

The Honourable Sir Harry Haig: (a) and (b). Yes.

(c) Six days in the case of eight detenus and two days in the case of the remainder

(d) 55.

(e) As a protest against the detention at Deoli of a man who had developed leprosy.

(f) Yes.

SUFFERING OF A DETENU AT DEOLI FROM LEPROSY.

83. ***Mr. S. C. Mitra:** (a) Is it a fact that one of the detenus at Deoli is suffering from leprosy?

(b) What is his name?

(c) How long has he been suffering from leprosy?

(d) Did he contract the disease while under detention?

(e) When was he brought to Deoli? Where was he before he was brought to Deoli? Had he any symptoms of the disease before he was brought to Deoli?

(f) Is it a hereditary disease in his family?

(g) How is he treated now?

(h) Is not leprosy a highly contagious disease?

The Honourable Sir Harry Haig: (a) to (e). Dhanesh Chandra Bhattacharji arrived in the Deoli Camp Jail from Hijli on the 10th July, 1933. Soon after his arrival the Medical Officer suspected that he was suffering from leprosy and his diagnosis was later confirmed by the Chief Medical Officer, Rajputana. No signs of the disease had been noticed in the Hijli Camp. I cannot say how or when he contracted the disease.

(f) I have no information.

(g) He was treated with injections and given nourishing food.

(h) The detenu was suffering from the less contagious form of the disease and was given a separate room in the jail hospital away from other detenus.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform me whether it is a fact or not that leprosy is neither contagious nor an infectious disease, nor is it a disease that is hereditarily transmitted?

The Honourable Sir Harry Haig: I should be very glad if the Honourable Member will give the House the benefit of his own practical knowledge. I am afraid I am not equal to answering his question.

Mr. Lalchand Navalrai: Will the Honourable Member change his method and keep him with others, if he is in favour of the reply given by Sir Henry Gidney?

The Honourable Sir Harry Haig: I thought that the Honourable Member was objecting to a particular word I used and not to the treatment which I described.

Mr. S. C. Mitra: Is it a fact that the Medical Officer, who is also a qualified man at Deoli, considers that leprosy is highly contagious and his views are opposed to those of the Honourable Colonel.

The Honourable Sir Harry Haig: The Medical Officer was certainly a well qualified doctor. I do not understand that my Honourable friend was denying that leprosy could be communicated in some form or other.

Lieut.-Colonel Sir Henry Gidney: Quite right, but we know not how it is communicated.

SUFFERING OF A DETENU AT DEOLI FROM LEPROSY.

84. ***Mr. S. C. Mitra:** (a) Was there any application from the detenu who is suffering from leprosy for transfer to Bengal or any other place? If so, when did he apply?

(b) What is the opinion of the medical officers at Deoli about the transfer of this detenu?

(c) Had the Government of Bengal any objection to his transfer?

(d) Why was not the detenu transferred for such a long time since his application?

The Honourable Sir Harry Haig: (a) to (d). The detenu asked the Superintendent in September to arrange for his transfer and as the Medical Officer also thought a transfer desirable the Chief Commissioner took the matter up with the Government of Bengal. The Government of Bengal, in view of the character of the detenu, were not in favour of his being transferred, unless it could be held that there was danger of infection. The Medical Officer at Deoli held that, though the detenu had the anæsthetic form of leprosy, the case was contagious. The Government of India, thereupon, requested the Local Government to arrange for the transfer, which they did. The detenu left Deoli on January 21st.

Mr. S. C. Mitra: Is the Honourable gentleman in a position to tell us how long he was in Hijli and whether there was any suspicion of his being attacked with leprosy while he was at Hijli?

The Honourable Sir Harry Haig: No, Sir. I have already said that no signs of the disease had been noticed in the Hijli Camp.

Mr. K. O. Neogy: Are the detenus in Hijli or elsewhere subjected to a regular medical examination apart from any specific complaint?

The Honourable Sir Harry Haig: I cannot answer that. It concerns the administration of the Government of Bengal.

FIXATION OF PAY OF INSPECTORS OF STATION ACCOUNTS.

85. ***Pandit Satyendra Nath Sen:** Is it a fact that when the old East Indian Railway Inspectors of Station Accounts, fixed up in the grades of Rs. 140—10—330, Rs. 345—15—390 and Rs. 440—20—500, were given

the option to elect the new scales of pay Rs. 150—15—270 (junior scale), and Rs. 290—20—450 (senior scale) introduced with effect from the 1st October, 1926, they were not informed that the total strength of Senior Inspectors—both old East Indian Railway and Oudh and Rohilkhand Railway—would be reduced from 16 to 10 on and from that date, and further to seven from 1929? If so, will Government be pleased to state:

- (i) why this was not done; and
- (ii) if they propose to increase the number of the Inspectors of Station Accounts, which has been greatly reduced?

Mr. P. R. Rau: Yes.

(i) It is impossible when staff are given the option to choose new scales of pay to guarantee that the cadre as it existed at the time would not be altered.

(ii) Not unless an increase is required for the work to be done

PROVISION OF AN INTERMEDIATE CLASS WAITING ROOM FOR FEMALES AT KALKA.

86. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that there is no intermediate class waiting room for females at the Kalka Railway Station?

(b) Are Government aware that the Indian ladies, and specially the Muslin ladies, are very much inconvenienced for want of an intermediate class waiting room at that station?

(c) Have Government or the North Western Railway Administration ever considered the question of the provision of a waiting room there? If so, when and with what result?

(d) Do Government propose to consider the desirability of bringing this matter to the notice of the Agent, North Western Railway, and the Local Advisory Committee of that Railway?

Mr. P. R. Rau: Government have no information, but have sent a copy of the question to the Agent of the North Western Railway for consideration.

Mr. M. Maswood Ahmad: Are Government aware that the majority of the *pardanashin* ladies travel in the intermediate class?

Mr. P. R. Rau: I am afraid I cannot say.

Mr. M. Maswood Ahmad: Are Government aware that even in the third and second class compartments, the *pardah* arrangement is not very satisfactory and it is not rather observed, and so *pardanashin* ladies generally travel in the intermediate class and they require an intermediate class waiting room in the big stations at least.

Mr. P. R. Rau: If my Honourable friend is raising this as a general question on all Indian Railways, I think he will have an opportunity of raising it in the Central Advisory Council for Railways, of which he is a member.

Mr. M. Maswood Ahmad: Will the Honourable Member be pleased to include this item in the agenda of the Central Advisory Council?

Mr. P. R. Rau: My Honourable friend knows the usual procedure of forwarding questions to be taken up for consideration in the Council.

Mr. M. Maswood Ahmad: Are Government aware that I gave notice of many items, but that none of them have been accepted for inclusion in the agenda?

Mr. P. R. Rau: My Honourable friend has been very diligent in collecting all sorts of subjects for inclusion in the agenda, but there are limitations of time.

Mr. M. Maswood Ahmad: Was any of my suggestions included in the Agenda at any time?

Mr. P. R. Rau: I should like to have notice of that question.

Dr. Ziauddin Ahmad: Will the Honourable Member promise that Mr. Maswood Ahmad will be more fortunate in future and that this will be included in the agenda?

Mr. P. R. Rau: My Honourable friend was himself partly responsible for Mr. Maswood Ahmad's ill fortune in the last Session.

PROVISION OF AN ADDITIONAL POINT FOR ELECTRIC LIGHT IN THE "D" TYPE ORTHODOX QUARTERS IN NEW DELHI.

87. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that there is no point for electric light in one of the rooms of the "D" type orthodox quarters in New Delhi?

(b) Is it also a fact that Government have already recognised its necessity?

(c) Is it a fact that "unauthorised electric extensions" are not allowed in Government quarters in New Delhi?

(d) Is it also a fact that an extension by means of an adapter from the point in the verandah to the room which has not been provided with electric point is also forbidden? If so, will Government please state whether the use of an adapter also falls under the category of "unauthorised extension"?

(e) How much will it cost Government to provide an additional point per quarter?

(f) When do Government propose to provide this additional point?

The Honourable Sir Frank Noyce: (a) There are electric light points in all the living rooms in the 'D' class orthodox clerks' quarters in New Delhi, but there is no point in the godown.

(b) Yes, it is intended to install electric points in the godowns of all classes of orthodox clerks' quarters in New Delhi when funds permit.

(c) Yes.

(d) The use of adapters is not forbidden, provided that:

(i) the load taken by the apparatus fitted or connected to the adapter does not exceed the rated capacity of the fitting in lieu of which the adapter and apparatus are used; and

(ii) the adapter is not used for connection to wires that are exposed to and not properly protected against weather conditions.

(e) The cost of providing additional lights in all the 'D' class quarters will be roughly Rs. 13,580 for points in the godowns and Rs. 19,400 for points in the lavatories.

(f) As soon as funds are available for the purpose.

DIFFERENTIATION IN THE LEAVE SALARIES OF GOVERNMENT EMPLOYEES.

88. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the Government of India employees getting less than Rs. 200 per mensem, who were permanent in August 1927, are given leave on pay drawn by them in the month previous to their taking leave?

(b) Is it also a fact that the persons who were temporary in August 1927, had continuous service, and were subsequently confirmed, are given leave on the average of last twelve months' pay?

(c) Is it also a fact that Government have never differentiated in the matter of pay and allowances, etc., between the permanent and temporary employees?

(d) Is it also a fact that the new scales of pay and the new leave rules have been made applicable only to those who entered the Government service after a particular date and not to those who were temporary on that date?

(e) If the answer to part (d) above be in the affirmative, will Government please state the reasons which made them to differentiate between the temporary and permanent employees in this particular matter?

(f) Are Government prepared to consider the desirability of making the rule referred to in parts (a) and (b) uniform in respect of all Government servants whether temporary or permanent in August, 1927, and be made applicable to those only who entered Government service after August 1927?

The Honourable Sir George Schuster: (a) Non-gazetted Government servants who were holding permanent posts substantively on the 24th of August, 1927, are given the benefit of basing their leave salary on the pay which they would draw in the permanent posts held substantively at the time of taking leave, if this pay be more than average pay, provided their pay at the time of taking leave is less than Rs. 300 or the leave taken does not exceed one month.

(b) Yes.

(c) There has always been a difference between the leave given to permanent Government servants and that given to temporary Government servants. The former are governed by the Fundamental Rules and the latter by Rule 285 *et seq* of the Supplementary Rules.

(d) So far as the applicability of the new scales of pay and new leave rules is concerned, temporary Government servants who were in service on the 15th of July, 1931, are treated in the same way as permanent Government servants provided their service has been continuous. I would mention, however, that even under the new leave rules temporary Government servants are not given the same leave as permanent Government servants.

(e) and (f) The concession referred to in (a) above was reserved only for those who already enjoyed it when Fundamental Rule 87 was

amended on the 24th August, 1927. As that rule did not apply to temporary Government servants, who, as stated above, were governed by a different set of rules, no question arose of making the concession applicable to them. No temporary Government servant acquires any right under Fundamental Rule 87 until he is confirmed, and therefore in the case of those temporary Government servants confirmed subsequent to the alteration in the rule on the 24th August, 1927, there was no case for preserving to them a concession which had never been applicable to them. In these circumstances Government regret they are not prepared to accept the suggestion in part (f) of the question.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether or not it is a fact that the Government of India in the Department of the Railway Board issued a communiqué on the 22nd December in which they ordered that all their servants,—permanent, temporary or employed on duties of a continuous nature and who were recruited on or after the 31st July, 1931, and in receipt of old rates of pay (in other words, their vested interests and accruing rights)—would continue to draw old rates of pay even on promotion to higher posts? If so, will the Honourable the Finance Member please state whether those orders will be equally applied to other Government Departments where recruitment has been made on a temporary basis as all Government appointments are done today?

Mr. P. R. Rau: Sir, I think I must ask for notice of that question as for the life of me I cannot see how it is relevant to the question which has just been answered.

Lieut.-Colonel Sir Henry Gidney: I am sorry, the Honourable Member has not the life in him as he says, but I have that life in me—I am sorry, but I did not ask my Honourable friend, Mr. Rau. I asked the Honourable the Finance Member, as to whether Government intended applying those orders, that had been applied to the Railway Department, to the other Government of India Departments also?

The Honourable Sir George Schuster: Sir, I must have notice of my Honourable friend's question.

UNSTARRED QUESTIONS AND ANSWERS.

SIGNALLERS AND INFERIOR SERVANTS IN THE COMBINED POSTS AND TELEGRAPHS OFFICES.

14. **Mr. S. O. Mitra:** (a) Will Government be pleased to state the number of signallers who worked in the combined offices and the number and the value of telegrams booked by them during the year 1932-33?

(b) Will Government please state how many inferior servants were engaged in the combined offices?

(c) What was the pay, pensionary charges and cost of leave provision of the staff engaged for telegraph duties in combined offices as mentioned in parts (a) and (b)?

(d) What was the proportionate rent charged to the telegraph side for the accommodation of the telegraph branch, and what was the cost of supervision?

The Honourable Sir Frank Noyce: (a) and (b) The numbers of signallers and telegraph messengers employed during 1932-33, exclusively on telegraph duties in certain combined offices were 976 and 2,106, respectively. In other combined offices both signallers and inferior servants are employed partly on postal and partly on telegraph duties. The number of such joint staff is not known separately but it is calculated that the amount of telegraph work done by them is equivalent to that of 654 whole-time signallers and 1,152 whole-time messengers.

The number and value of telegrams booked by combined offices during the year, were 95·57 lakhs and Rs. 108·3 lakhs respectively.

(c) The calculated figures are:

Pay Rs. 25,40,300, pensionary charges Rs. 2,18,700 and leave provision Rs. 1,71,800.

(d) Proportionate rent Rs. 1,20,300 and cost of supervision Rs. 3,85,200.

CLERKS AND SUPERVISORS IN CERTAIN DEPARTMENTS OF THE BOMBAY GENERAL POST OFFICE.

15. **Mr. S. C. Mitra:** Will Government be pleased to state the number of (i) clerks, (ii) supervisors in the grade of Rs. 250—350, 160—250 and time-scale employed in the Money Order and Savings Bank Departments of the Bombay General Post Office separately?

The Honourable Sir Frank Noyce: The information required by the Honourable Member is given in the sub-joined table:

Name of department.	Number of clerks.	Number of Supervisors.		
		250/350.	160/250.	Time-scale.
Money Order	39	Nil	5	Nil.
Savings Bank	21	1	3	Nil.

VISIT TO SEVERAL POST OFFICES BY TWO OFFICIALS OF THE POSTAL DEPARTMENT.

16. **Mr. S. C. Mitra:** (a) Will Government be pleased to state if it is a fact that Messrs. J. R. T. Booth, C.I.E., Senior Deputy Director General, Posts and Telegraphs, and S. P. Verma, Special Officer, Posts and Telegraphs Department, visited several post offices in January, 1934?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what was the object of their tour and what amount has been expended for the purpose?

The Honourable Sir Frank Noyce: (a) No.

(b) Does not arise.

CLERKS AND POSTMEN IN CERTAIN HEAD POST OFFICES.

17. **Mr. S. C. Mitra:** (a) Will Government be pleased to furnish a statement showing the number of (i) clerks, and (ii) Sorting and Overseer Postmen of the following Head Offices:

Chittagong, Dacca, Mymensingh, Howrah, Patna, Agra, Allahabad.
Lucknow, Bangalore, Peshawar, Meerut, Kalbadevi,
Barabazar, Madura?

(b) What is the pay of the Deputy Postmasters of the above Post Offices?

(c) How many Assistant Postmasters are there in each of the above Post Offices and what is their pay?

The Honourable Sir Frank Noyce: The information required by the Honourable Member is given in the sub-joined table:

Name of Head Post Office or town sub-post office.	Number of clerks.	Number of sorting and overseer postmen.	Pay of Deputy Postmasters.	Number of Assistant Postmasters.	Pay of Assistant Postmasters.
Chittagong	37	Nil	160—250	Nil	Nil
Dacca	55	6	250—350	1	160—250
Mymensingh	44	1	160—250	Nil	Nil
Howrah	39	5	160—250	Nil	Nil
Bara Bazar	56	13	160—250	2	160—250
Patna	38	2	160—250	1	160—250
Agra	33	6	160—250	2	160—250
Allahabad	48	7	160—250	2	160—250
Lucknow	59	6	250—350	3	160—250
Meerut	30	5	160—250	1	160—250
Peshawar	37	2	160—250	2	160—250
Kalbadevi	57	15	160—250	2	160—250
Bangalore	44	5	250—350	2	160—250
Madura	30	1	250—350	1	160—250

REVERSION OF CERTAIN OFFICIALS IN THE UNITED PROVINCES POSTAL CIRCLE.

18. **Lala Rameshwar Prasad Bagla:** (a) Will Government please state whether it is a fact that about a dozen officials of Post Offices in the United Provinces Circle who were holding permanent vacant appointments in the

Rs. 160—250 grade of Sub-Divisional Inspectors and Divisional Head Clerks have been reverted by the Postmaster-General, United Provinces, to posts of ordinary clerks?

(b) How many of these officials had been provided in the grade of Rs. 160—250 as a permanent measure and without even retaining their lien on any clerical post prior to June, 1933?

(c) Is it a fact that in June 1933, Government orders were issued to Postmasters-General in India to convert the Rs. 160—250 grade posts of Town Inspectors into those of ordinary clerks in the existing and future vacancies?

(d) Is it a fact that the Postmaster-General, United Provinces, counted as existing vacancies all the posts mentioned in part (b) above and utilized them for conversion of the posts mentioned in part (c) above? Is it a fact that the above-mentioned officials had been holding their posts as a permanent measure and as permanent posts for all practical purposes? If so, why were formal orders not issued to that effect?

(e) Is it a fact that the officials mentioned in part (b) above held no clerical post or lien when they were holding the said posts in the Rs. 160—250 grade and that posts in the clerical cadre had to be found on their reversion to the cadre?

(f) Is it a fact that in all other or many other Circles in India there are still Town Inspectors in the Rs. 160—250 grade for want of vacancies while in the United Provinces all the posts in question were converted into those of clerks by dispossessing the officials mentioned in part (a) above of the vacant posts held by them in the Rs. 160—250 grade?

(g) Is it a fact that the posts in the Rs. 160—250 grade held by the officials without lien on clerical posts were not "existing vacancies" and if so, do Government propose to restore them to the posts in Rs. 160—250 grade held in June, 1933?

The Honourable Sir Frank Noyce: The matter is under enquiry and a reply will be placed on the table in due course.

DISABILITY PENSIONS GRANTED TO NON-COMBATANTS.

19. **Mr. B. V. Jadhav:** (a) With reference to the answers to parts (a) to (d) of my starred question No. 1112 given in this House on the 21st November, 1933, will Government be pleased to state whether relative rank and disability pension of non-combatants drawing Rs. 50 to Rs. 70 per mensem, when contracting disease on field service in 1914-16 and finally retiring from service in India in the years 1928 to 1930 on pay between Rs. 200 to Rs. 249 per mensem, will be assessed on their pay on field service in 1914-16 or when they finally retired from service in India in the years 1928 to 1930?

(b) Do Government propose to forward a copy of these questions and answers, together with a copy of those referred to herein, for information and necessary action, to the Controller of Military Pensions, Lahore? Are Government aware that he refuses to act according to Government interpretations unless he receives a copy officially direct from Government?

Mr. G. R. F. Tottenham: (i) The attention of the Honourable Member is invited to the answer I gave on the 4th September, 1933, to part (e) of starred question No. 591 asked by Rai Bahadur Kunwar Raghubir Singh.

(b) If the Honourable Member will let me have the particulars of the cases he has in mind the attention of the Controller of Military Accounts and Pensions, Lahore, will be invited to them.

TERRORIST CRIMES IN BENGAL.

20. **Mr. M. Maswood Ahmad:** (a) Are Government aware that the Moral and Material Report gave terrorist crimes in Bengal in 1932 as 97, whereas Sir Samuel Hoare on November 13 gave the figure as 75?

(b) Will Government be pleased to state the correct number of terrorist crimes in Bengal in 1932?

The Honourable Sir Harry Haig: (a) Yes.

(b) 96.

STUDENTS ADMITTED TO THE MILITARY ACADEMY, DEHRA DUN.

21. **Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the number of students admitted to the Military Academy, Dehra Dun, since the start of the Academy?

(b) What is the number of such students now?

(c) (i) How many students left the Academy after having finished their first course; (ii) how many of them were sent to England for further training, and (iii) how many of them have been in the military service in India?

(d) How much money is being spent annually on the Academy, and what is the income thereof?

Mr. G. R. F. Tottenham: (a) 155.

(b) 145.

(c) (i) None. The first batch of cadets will complete their course in December 1934.

(ii) Does not arise. I may add that there is no intention of sending Indian Military Academy graduates to England for further training.

(iii) 62 cadets have come from the Indian Army.

(d) The annual expenditure is estimated at Rs. 7½ lakhs and the annual income at Rs. 1½ lakhs.

DEPRECIATION FUND OF THE POSTS AND TELEGRAPHS DEPARTMENT AND CAPITAL ADVANCED TO THAT DEPARTMENT FOR CAPITAL OUTLAY.

22. **Mr. S. C. Mitra:** Will Government be pleased to furnish the following information:

(i) Total amount of Depreciation Fund of the Indian Posts and Telegraphs Department up to the close of the year 1932-33 and amount added in the year 1933-34;

(ii) Income from the accumulation of the Depreciation Fund in the year 1932-33 and in the year 1933-34;

(iii) Total amount of Capital advanced by the Government of India to the Posts and Telegraphs Department for the Capital outlay of the Department up to the year 1932-33 and in the year 1933-34; and

- (iv) Interest paid by the Department to the Government of India for the Capital outlay in the year 1932-33 and in the year 1933-34 ?

The Honourable Sir Frank Noyce: (i) Rs. 2,69,42,351 at the close of the year 1932-33. The estimate for the addition during the year 1933-34 is Rs. 36,34,000.

(ii) The interest on the balance of the Depreciation Fund amounted to Rs. 13,65,892. For 1933-34 the estimated amount is Rs. 15,39,000.

(iii) On the assumption that the Honourable Member refers to capital outlay on fixed assets of the Department the amount advanced up to 1932-33, and inclusive of an increase of Rs. 84,50,236 adjusted on the recommendation of the Posts and Telegraphs Accounts Enquiry Committee, was Rs. 16,22,16,679 while that during 1933-34 is estimated to be Rs. 26,48,500.

(iv) The interest paid on outlay on fixed assets in 1932-33 was Rs. 73,96,431 and that likely to be paid during 1933-34 is Rs. 76,43,392.

STAFF IN THE KALBADEVI AND MANDVI POST OFFICES IN BOMBAY.

23. Mr. S. C. Mitra: Will Government please furnish a statement showing (i) the number of selection grade officials excluding Postmaster; (ii) the number of clerks; and (iii) the number of time-scale supervisors in the Kalbadevi and Mandvi Post Offices in Bombay?

The Honourable Sir Frank Noyce: A statement containing the required information is subjoined:

Name of post office.	No. of Selection grade officials excluding Postmaster.	No. of clerks.	No. of time-scale Supervisors.
Kalbadevi Post Office	4	57	Nil.
Mandvi Post Office	2	13	1

RETRENCHMENT OF TELEGRAPHISTS AND TELEGRAPH MASTERS.

24. Mr. S. C. Mitra: (a) Will Government please state (i) the number of Telegraphists, and (ii) the number of Telegraph Masters who worked during the year 1932-33 and up to the 31st December, 1933?

(b) Will Government please state how many posts of Telegraph Masters and Telegraphists have been retrenched according to the recommendation of the Telegraphs Establishment Enquiry Committee?

(c) How many posts of officers were retrenched up to the 31st December, 1933?

The Honourable Sir Frank Noyce: (a) (i) The number of telegraphists (including those who officiated as telegraph masters) on the 31st March, 1933, and the 31st December, 1933, was 2,501 and 2,470, respectively.

(ii) Corresponding figures for permanent telegraph masters were 224 and 192.

(b) Government have not yet come to any decision on the recommendations of the Committee.

(c) 91.

**CLERKS AND SUPERVISORS IN THE SAVINGS BANK DEPARTMENT, CALCUTTA
GENERAL POST OFFICES.**

25. Mr. S. C. Mitra: Will Government please submit a statement showing the number of clerks and selection grade supervisors of the Savings Bank Department, Calcutta General Post Office?

The Honourable Sir Frank Noyce: There are 30 clerks and three selection grade supervisors.

HOSIERY FACTORIES IN INDIA.

26. Mr. A. H. Ghuznavi: Will Government be pleased to lay on the table:

- (i) a complete list of hosiery factories in India, to be shown province by province;
- (ii) the dates on which these hosiery factories were started;
- (iii) the respective capitals of these factories;
- (iv) if they are all in running condition;
- (v) the average output of each factory; and
- (vi) the average number of persons (men, women and children), employed daily in 1930, 1931, 1932 and 1933?

The Honourable Sir Frank Noyce: I lay on the table a statement showing the number of hosiery factories in each province and the average number of operatives employed in these factories in each province in each of the three years specified. The statement relates only to factories coming under the Indian Factories Act. My Department has also a list of hosiery factories known to the All-India Hosiery Manufacturers Association, Cawnpore. This apparently includes a number which are not registered as factories and it gives the approximate "capacity of labourers" against each. While I cannot vouch for the accuracy of this list, any Honourable Member who desires is at liberty to inspect it. I regret that the further particulars desired by the Honourable Member are not available and that their collection would involve an amount of investigation entirely incommensurate with the value of the results.

Statement showing the number of Hosiery Factories in India and the average daily number of persons employed in them.

Province.	1930.		1931.		1932.		1933.
	No. of Fac- tories.	Average daily No. of persons employed.	No. of Fac- tories.	Average daily No. of persons employed.	No. of Fac- tories.	Average daily No. of persons employed.	
Madras . . .	13	562	12	579	10	764	(Figures not available.)
Bombay . . .	8	770	7	847	8	802	
Bengal . . .	16	826	15	567	15	664	
United Provinces . . .	..	..	..	..	..	..
Punjab . . .	2	177	6	297	10	374	
Burma . . .	1	47	2	293	2	366	
Bihar and Orissa . . .	1	60	..	..	..	..
Delhi . . .	..	..	..	..	1	90
Total . . .	41	2,442	42	2,573	46	3,060	

STATUS OF TEACHERS OF THE INDIAN RAILWAY INDIAN SCHOOLS.

27. **Mr. A. Das:** With reference to my starred question No. 597, to which Government replied on the 4th September, 1933 that they were making enquiries into the matter and to my question No. 599 to which they replied on the same date that they were obtaining information from the Agent, East Indian Railway, will Government please state if they are now in a position to supply the information required?

Mr. P. R. Rau: The information was laid on the table on the 29th January.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

28. **Mr. A. Das:** With reference to the answer to my question No. 600, part (b) dated the 4th September, 1933 that they were sending a copy of the question to the Agent, East Indian Railway, for any action that may be considered necessary, are Government prepared to enquire what action has been taken by the Agent?

Mr. P. R. Rau: The information was laid on the table on the 31st January.

STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

29. **Mr. A. Das:** With reference to the answer to my starred question No. 602, dated the 4th September, 1933 regarding status of teachers of the East Indian Railway Schools, that certain information was being obtained to enable them to give a complete reply to that question, will Government be pleased to state if the information has been obtained? And when will the reply be laid on the table of this House?

Mr. P. R. Rau: The information was laid on the table on the 29th January.

MESSAGES FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL

Mr. President (The Honourable Sir Shanmukham Chetty): I have received three communications from His Excellency the Viceroy and Governor General, regarding the Railway and the General Budgets and I will read them to Honourable Members.

(The Assembly then received the Messages standing.)

"ORDER.

For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue

of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely :

Saturday, the 17th February at 11 A.M.	.	.	.	Presentation in the Legislative Assembly.
Monday, the 19th February	.	.	.	General discussion in the Legislative Assembly
Wednesday, the 21st February	.	.	.	} Voting on Demands for Grants in the Legislative Assembly.
Thursday, the 22nd February	.	.	.	
Friday, the 23rd February	.	.	.	
Saturday, the 24th February	.	.	.	

(Sd.) WILLINGDON,

Viceroy and Governor General."

NEW DELHI;

The 2nd February, 1934.

The second Order runs as follows :

"ORDER.

For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely :

Tuesday, the 27th February at 5 P.M.	.	.	.	Presentation in the Legislative Assembly.
Friday, the 2nd March	.	.	.	} General discussion in the Legislative Assembly.
Saturday, the 3rd March	.	.	.	
Tuesday, the 6th March	.	.	.	} Voting on Demands for Grants in the Legislative Assembly.
Wednesday, 7th March	.	.	.	
Thursday, the 8th March	.	.	.	
Friday, the 9th March	.	.	.	
Saturday, the 10th March.	.	.	.	

(Sd.) WILLINGDON.

Viceroy and Governor General."

NEW DELHI;

The 2nd February, 1934.

The third Order is as follows :

"ORDER.

In pursuance of the provisions of sub section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration.

(Sd.) WILLINGDON.

Viceroy and Governor General."

NEW DELHI;

The 2nd February, 1934.

As a result of the fixing of the dates for the Railway and the General Budgets, I have made a slight alteration in the programme of work during February and March and a communication will be sent to Honourable Members in due course.

LETTER FROM THE PRIVATE SECRETARY TO HIS EXCELLENCY
THE GOVERNOR OF BIHAR AND ORISSA CONVEYING HIS
EXCELLENCY'S THANKS FOR ASSEMBLY'S EXPRESSIONS
OF SYMPATHY WITH THE EARTHQUAKE SUFFERERS.

Mr. President (The Honourable Sir Shanmukham Chetty): I have received the following letter from the Private Secretary to His Excellency the Governor of Bihar and Orissa:

"Sir, His Excellency desires me to ask you to convey his thanks to the Honourable the President and to the Members of the Legislative Assembly for their expressions of sympathy with the people of Bihar and Orissa who have suffered in the recent earthquake and to assure them that his Government is doing all they can to alleviate their distress."

ELECTION OF MEMBERS TO THE FUEL OIL COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the Assembly that up to 12 noon on Friday, the 2nd February, 1934, the time fixed for receiving nominations for the Fuel Oil Committee six nominations were received. As the number of candidates is equal to the number of vacancies I declare the following to be duly elected:

Mr. R. S. Sarma,

Khan Bahadur Haji Wajihuddin,

Mr. E. S. Millar,

Haji Chaudhury Muhammad Ismail Khan,

Mr. Amar Nath Dutt, and

Mr. Rahimtoola M. Chinoy.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhowe (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to part (a) of starred question No. 1288, asked by Mr. B. R. Puri, on the 7th December, 1933, regarding iron and steel purchased in India and imported into India.

IRON AND STEEL PURCHASED IN INDIA AND IMPORTED INTO INDIA.

Statement showing the tonnage of Iron and Steel Products purchased by the Army Department during the period 1st April 1928 to 15th December 1933.

Period.	Imported.	Indigenous.		Total.	Remarks.
		Purchases from Tatas.	Purchases from other Indian Sources.		
(1)	(2)	(3)	(4)	(5)	(6)
	Tons.	Tons.	Tons.	Tons.	
1st April 1928 to 15th December 1933.	1,622	336	1,242	3,200	Figures for the previous years are not available. The figures given in this statement exclude petty casual purchases.

Statement showing the value of important purchases of iron and steel made by Indian Stores Department during the years 1924-25 to 1932-33.

	Total important purchases (Indigenous and Imported) Items totalling Rs. 50,000 and above.	Important Indigenous Purchases. Items totalling Rs. 10,000 and above.	Remarks.
	Rs.	Rs.	
1924-25 . . .	12,16,000	Information not available.	The figures in this statement do not include unimportant items or items which form part of finished engineering equipment or projects, such as generating stations, water supply installations, etc. Particulars of purchases made from Tatas and other Indian sources are not available separately.
1925-26 . . .	7,39,000		
1926-27 . . .	36,14,000		
1927-28 . . .	10,77,000		
1928-29 . . .	37,55,000	6,91,000	
1929-30 . . .	86,70,000	11,33,000	
1930-31 . . .	55,30,000	21,00,000	
1931-32 . . .	32,58,000	13,11,000	
1932-33 . . .	40,13,000	12,84,000	
Total . . .	3,48,72,000	65,19,000	

Statement showing the tonnage of Iron and Steel Products purchased by Indian Telegraphs Department during the period 1st June 1924 to 30th November 1933.

	Imported.	Indigenous.		Total.
		Purchases from Tatas.	Purchases from other sources in India.	
		Tons.	Tons.	Tons.
1st June 1924 to 31st March 1925	361	980	142	1,483
1925-26	2,394	319	2,713
1926-27	2,366	1,291	3,657
1927-28	4,110	2,098	6,208
1928-29	4,389	3,937	8,326
1929-30	1,862	2,621	4,483
1930-31	3,546	2,415	5,961
1931-32	856	1,329	2,185
1932-33	223	1,096	1,319
1st April 1933 to 30th November 1933	125	125
Total	361	20,726	15,373	36,460

Statement showing tonnage of rails and fishplates purchased by Class I railways (except His Exalted Highness the Nizam's State Railway) from Tatas and from abroad during the years 1926-27 to 1932-33.

Year.	Rails and fishplates purchased from Tatas.	Rails of foreign manufacture.	Total.
	Tons.	Tons.	
1926-27	1,14,119	Information not available.	Information not available.
1927-28	1,89,027	89,931	2,78,958
1928-29	61,752	34,098	95,850
1929-30	1,20,854	2,178	1,23,332
1930-31	95,659	260	95,919
1931-32	92,240	Information is not available. Quantities are negligible.	
1932-33	37,725		
Total	7,31,376		

Statement showing the numbers of steel sleepers of foreign and indigenous manufacture paid for by Class I Railway (excluding Jodhpur and His Exalted Highness the Nizam's State Railways) during the years 1925-26 to 1932-33.

Year.	Wholly imported.	Wholly of Indian Manufacture.	Supplied partly in India and partly from abroad.	Total.
	No.	No.	No.	No.
<i>Broad Gauge.</i>				
1925-26	3,99,278	57,060	Nil	4,56,338
1926-27	4,37,394	87,250	8,750	5,33,394
1927-28	17,88,260	73,200	1,87,800	20,49,260
1928-29	4,69,399	Nil	8,26,233	12,95,632
1929-30	1,04,026	1,08,178	7,45,036	9,57,240
1930-31	Nil	2,11,854	10,792	2,22,646
1931-32	Nil	1,23,200	1,41,302	2,64,502
1932-33	Nil	195	96,144	96,339
Total	31,98,357	6,80,937	20,16,057	58,75,351
<i>Metre Gauge.</i>				
1925-26	3,21,911	..	..	3,21,911
1926-27	4,26,146	85,500	..	5,11,646
1927-28	6,79,592	..	..	6,79,592
1928-29	5,36,897	..	..	5,36,897
1929-30	1,46,716	..	..	1,46,716
1930-31	13,603	..	..	13,603
1931-32	..	Nil	..	..
1932-33	..	Nil	..	..
Total	21,24,865	85,500	..	22,10,365

Statement showing numbers of Cast Iron Sleepers of foreign and indigenous manufacture paid for by Class I Railways (except Jodhpur and His Exalted Highness the Nizam's State Railways) during the years 1925-26 to 1932-33.

Year.	Wholly Imported.	Wholly of Indian Manufacture.	Supplied partly in India and partly from abroad.	Total.
	No.	No.	No.	No.
<i>Broad Gauge.</i>				
1925-26	..	75,900	67,776	1,43,676
1926-27	..	4,51,334	1,50,000	6,01,334
1927-28	..	2,01,200	10,31,931	12,33,131
1928-29	..	3,09,450	3,30,500	6,39,950
1929-30	10,007	4,01,011	3,24,000	7,35,018
1930-31	..	45,100	1,93,800	2,38,900
1931-32	..	4,04,200	2,61,815	6,66,015
1932-33	..	32	..	32
Total	10,007	18,88,227	23,59,822	42,58,056

Year.	Wholly imported.	Wholly of Indian Manufacture.	Supplied partly in India and partly from abroad.	Total.
	No.	No.	No.	No.
<i>Metre Gauge.</i>				
1925-26	..	..	18,520	18,520
1926-27	..	..	..	..
1927-28	47,000	..	..	47,000
1928-29	..	..	..	..
1929-30	..	..	..	..
1930-31	..	..	..	..
1931-32	..	..	..	..
1932-33	..	..	..	..
Total	47,000	..	18,520	65,520

Statement showing numbers of wagons and carriage underframes purchased by Railways for their requirements for the years 1928-29 to 1932-33.

Year.	Foreign Manufacture.			Indian Manufacture.		
	Carriage underframes.	Wagons.	Total.	Carriage underframes.	Wagons.	Total.
	No.	No.	No.	No.	No.	No.
<i>Broad Gauge.</i>						
1928-29	..	7	7	546	426	972
1929-30	..	54*	54	450*	2,593*	3,043
1930-31	275	1,141	1,416
1931-32	266	2,853	3,119
1932-33	28	696	724
Total	..	61	61	1,565	7,709	9,274
<i>Metre Gauge.</i>						
1928-29	87	2	89	352	1,069	1,421
1929-30	..†	256†	256†	134†	515†	649†
1930-31	246	1,314	1,560
1931-32	..	15	15	24	1,082	1,106
1932-33	11	145	156
Total	87	273	360	767	4,125	4,892
<i>Narrow Gauge.</i>						
1928-29	..	N	I	L	..	..
1929-30	45	46	91
1930-31	..	N	I	L	..	..
1931-32	..	N	I	L	..	..
1932-33	6	..	6
Total	51	46	97

* In addition orders were placed for 120 wagons but their country of manufacture is not known.

† In addition orders were placed for 39 carriage underframes and 235 wagons but their country of manufacture is not known.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I lay on the table the information promised in reply to unstarred question No. 326 asked by Mr. S. G. Jog on the 14th December, 1933.

RECOMMENDATION No. V OF THE WAR PENSIONS COMMITTEE.

326. (a) The attention of Government had not previously been drawn to this letter which has since been cancelled. Government accepted recommendation No. V of the War Pensions Committee in the words in which it was expressed.

(b) Does not arise.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 302, 304, 305 and 306 asked by Mr. M. Maswood Ahmad on the 31st August, 1933;
- (ii) the information promised in reply to starred question No. 552 asked by Mr. A. Das on the 4th September, 1933;
- (iii) the information promised in reply to starred questions Nos. 1009 and 1010 asked by Mr. Muhammad Azhar Ali on the 18th September, 1933; and
- (iv) the information promised in reply to parts (b) to (g) of starred question No. 1332 asked by Mr. S. G. Jog on the 11th December, 1933.

RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOPS, EAST INDIAN RAILWAY.

*302. (a) The Agent of the East Indian Railway has assured Government that there is no such discrimination.

(b) (i) Yes.

(ii) It was necessary to have a higher scale for Scheduling Supervisors when the Production Department was started, but this rate was too high as a permanency and it has therefore been subsequently reduced.

(c) I am informed that there has been no change in the hours of attendance since the creation of the post.

COMMUNAL COMPOSITION OF APPRENTICES NOMINATED TO THE WELDING DEPARTMENT, JAMALPUR RAILWAY WORKSHOPS.

*304. (a) The Agent of the East Indian Railway reports as follows:

Welding was first introduced at Jamalpur Workshops some years ago and as it was difficult at that time to obtain trained Welders, the arrangement was to have one of the Jamalpur men to be trained by a Calcutta firm and then, after he had received his training and fully qualified himself as a Welder, for him to train others engaged as *Probationary Welders*.

Welding was introduced at Lillooah and Lucknow Workshops at a later date, their requirements were met either from Jamalpur or from recruitment outside. Staff who showed an aptitude for this particular work have from time to time been selected for training in welding work.

The period of probationary training for Welders at Jamalpur is 2 years. These Probationary Welders should not be confused with Apprentice Mechanics or Trade Apprentices, who on completion of their requisite period of training (*i.e.*, 5 years) are

appointed respectively in grades Rs 110/150-20-250 and 18-2-38. Two classes of Probationary Welders are trained at Jamalpur—Class I—1st year Rs. 30 per mensem, and second year Rs. 60. On satisfactory completion of their training, they are eligible for appointment in grade Rs 90-15-250. The lower class is selected from Trade Apprentices who normally are recruited in grade Rs 8-1-12. On satisfactory completion of training, they are engaged as second class Welder Mistries grade Rs. 18/22-2-38 and employed on welding work of lesser importance.

	Hindus.	Muham- medans.	Indian Christians.
1929	3	..	..
1930	1	2	..
1931	6	..	1
1932	1	..	..
1933	2	..	1
	16	2	2
	20		

Five Probationer Welders have been appointed during the last five years in the Welding Department as under :

	Europeans and Anglo- Indians.	Hindus.	* Muham- medans.
1929 . . . . .	..	..	..
1930	2	..	..
1931	1	..	..
1932	*1	*1 (since discharged).	..
1933 . . . . .	..	..	..

RACIAL DISCRIMINATION IN THE JAMALPUR WORKSHOPS, EAST INDIAN RAILWAY.

* 5 (a) The Agent reports that this is not so.

(b) There is no Non Indian Chargeman in the Blacksmith Shop in charge of smith work who has not had the requisite blacksmith training. Chargemen are not classified as senior and Junior. There are different grades of chargemen and promotion from one grade to another is made according to seniority and merit. At present there is one Indian in the grade of Rs 110 to 250

OUTLOOKING OF CLAIMS OF TRAINED INDIANS IN THE JAMALPUR WORKSHOPS, EAST INDIAN RAILWAY.

* 6 The Agent reports that both these statements are incorrect.

ADVERTISEMENT FOR PROBATIONERS FOR CERTAIN POSTS AT THE RAILWAY SCHOOL, CHANDAUSI.

*552. (a), (d) and (e). The Agent, East Indian Railway reports that at the time when the advertisement was inserted, it was possible for the administration to obtain the required number of non-Muslim candidates from the register of candidates which was maintained but the required number of qualified Muslim candidates was not available from the register, which necessitated the calling of applications from Muslim candidates by advertisement. The registers have since been abolished and applications from all candidates for such posts in future will be called for by advertisement.

(b) No.

(c) The present policy of the Railway Board in the matter of fresh recruitment is to reserve 33½ per cent. of vacancies for the redress of marked communal inequalities.

DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

*1009. (a) Yes. They were temporary employees and subject to 24 hours notice. This notice was given.

(b) Yes, except to those whose services were not required.

(c) No definite time can be laid down after which a temporary system may be considered permanent. The opinion expressed by the Railway Board at one of their meetings with the All-India Railwaymen's Federation referred to by the Hon'ble Member was in respect of the staff employed in permanent posts. So far as temporary posts are concerned, no age limit was imposed and the crew staff were absorbed in the Moody-Ward system irrespective of their age.

(d) No. The Hon'ble member does not apparently appreciate the technical distinction between declaring a man as a substantive holder of a temporary post and confirming him in a permanent post.

(e) No.

DEMOTION OF CERTAIN INSPECTORS OF CREWS, EAST INDIAN RAILWAY.

*1010. (a) Government are informed that there is a difference between the duties and responsibilities of Inspectors of Crews under the Crew System and Inspectors of Tickets under the Moody-Ward System. The latter part of the question does not arise.

(b) Yes.

(c) Yes. The Inspectors of the Crew System were absorbed under the Moody-Ward Scheme in grades suited to their seniority and efficiency taking into consideration their past service. There is nothing in the rules for the recruitment and training of subordinate staff to prevent the absorption of existing staff in vacancies in any group for which they may be suited.

(d) The Inspectors of Crews referred to were absorbed in the Moody-Ward system on the following rates of pay as they were considered suitable to fill those posts.

	Appointed on	Pay previously drawn.
M. Latif	320	320
A. G. Khan	200	200
C. Dunwell	220	260

EAST INDIAN RAILWAY TRAINING SCHOOL, CHANDAUSI.

*1332. (b) The Honourable Member refers presumably to the Superintendent of the Chandausi Training School, an institution which is under the administrative control of the Agent, East Indian Railway. The Superintendent of the school has to visit

Calcutta periodically, and also to visit Moradabad frequently to see the Divisional Superintendent in connection with routine matters concerning the school.

(c) He holds a nickel pass.

(d) The following four card passes have been issued :—

(i) A third class provision pass between Chandausi and Moradabad in favour of one servant of the Superintendent.

(ii) A second class pass between Moradabad and Bareilly *via* Chandausi, for one Instructor with 5 family members. (This has since been withdrawn).

(iii) An inter class pass between Bareilly and Moradabad *via* Chandausi for one Instructor with 5 family members. (This has since been withdrawn).

(iv) A third class duty pass for one peon from any station to any station.

(e) Yes. The provision pass enables the staff to obtain such fresh and selected provisions as are not available at Chandausi.

(f) The Station master can issue passes only to the staff working directly under him. The Superintendent, Chandausi Training School, is fully authorised to issue passes to all staff under him. When journeys have to be undertaken frequently it is the usual practice to issue card passes.

(g) The Railway Administration report that there was no averted collision, hence no enquiry was necessary, and the question of punishment to the Superintendent does not arise.

THE INDIAN TARIFF (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, for certain purposes.

DEATH OF MR. A. RANGASWAMI IYENGAR.

The Honourable Sir Brojendra Mitter (Leader of the House): Sir, before we take up the business of the day, permit me to mention a very sad event. The news of the death of Mr. A. Rangaswami Iyengar has come as a great shock to us. Mr. Rangaswami Iyengar was a publicist of a fine type: extraordinarily well-informed, acute in intellect, and balanced in judgment. Sir, we on the Government Benches always welcomed his criticisms, for they were made with knowledge, without malice and expressed with moderation, without bitterness. Sir, he was a prominent Member of the Opposition for some years and he earned the esteem and affection of every section in this House. (Hear, hear.) I had the good fortune of a close acquaintance with Mr. Rangaswami Iyengar, and I know that he was not a dilettante politician. He took his profession seriously and followed it with dignity. Sir, he was an ardent patriot and there was not a trace of self in his patriotism. As we all know, for many years he edited that great newspaper. The *Hindu* of Madras—the most responsible and the best conducted Indian-managed paper in India. Sir, Mr. Rangaswami Iyengar was a man of innate modesty and a singular charm of manner. He was a loyal friend, an honourable opponent and always a most agreeable companion. His death is a great loss to the country. Sir, I request you to convey to the bereaved family the sorrow of all sections of this House, and not the least of the Members who sit on these Benches.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir I associate myself wholeheartedly with all that has fallen from the Honourable the Leader of the House. I knew Mr. Rangaswami Iyengar for many years before he became the editor of the *Hindu* and I can personally testify in what great esteem he was held by everybody that knew him. He edited the *Hindu* with singular ability and fairness and it is no exaggeration to say, as has been said by Sir Brojendra Mitter, that it is one of the best conducted papers throughout India. The personal qualities of the deceased were well known to every one who came into contact with him. He was a man, not only of considerable knowledge of public affairs, but one who expressed himself without any bitterness, but with absolute sincerity and the force that arises from conviction. Sir, the death of such a man is a great loss to the public life of India, and I agree that a message of condolence be sent by this Assembly to his bereaved family.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I desire to associate my friends and myself with all that has fallen from the previous speakers. I had the privilege of enjoying the personal friendship of the late Mr. Rangaswami Iyengar and I feel his death as a personal loss today. Sir, Mr. Rangaswami Iyengar will be remembered by this Legislature as the Secretary of the Swaraj Party, and those who know anything about the inner workings of that Party will testify that he was really the power behind the throne in that Party, but although he was so prominently connected with the Swaraj Party, he had essentially a cross-bench mentality and he was always able to take an impartial view of things. We mourn his death all the more today, because, at this particular moment, we need men of his type who would be able to transcend party limitations and party shibboleths. Sir, if the loss to the ranks of Indian nationalists is great, the loss to Indian journalism is absolutely irreparable. Sir, I desire to support, on behalf of my Party, the suggestion that has fallen from the Honourable the Leader of the House that a message of condolence should be sent to the relatives of the deceased on behalf of this House.

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, I had known Mr. Rangaswami Iyengar for a very very long time now. Certainly from the time when he was the Editor of the Tamil newspaper, *Swadeshmitran*, he had raised the level of vernacular newspapers in Madras to a very great extent, so much so that they do not today lag behind any of the best Indian edited English newspaper, and that in Madras being the *Hindu* itself. Sir, after the late Mr. Kasturiranga Iyengar bought the *Hindu*, he raised the level of that paper even higher than what my friend, the late Subramanya Aiyer did. After him the versatile Rangaswami, son of the late Diwan Bahadur Srinivasa Iyengar, kept up the tradition of the *Hindu* which the late Mr. Rangaswami Iyengar had still further raised. Everybody in Southern India knew Mr. Rangaswami Iyengar very well, and, to us, the landholders of the Madras Presidency, his loss is irreparable, because he had studied that subject in a way that very few persons had and his help both in his newspapers and as a chairman of meetings occasionally held was always valuable. It is a great pity that at this juncture, when we are spending all our energies to induce the Government to give us some sort of relief, his invaluable aid has been lost to us. But, Sir, that is God's will and His will be done. I entirely associate myself with what my Honourable

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friend, the Leader of the House, said both as to his capacity, character and attainments and also with the request that he made that you would kindly send a message of condolence from this House to his relatives.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan). Sir, the untimely death of Mr. Rangaswami Iyengar will create a void in the ranks of journalism as it will create a void in the small rank of politicians who have been urging for a long time past for constitutional progress in this country. Not many months ago, I had the privilege of sitting by his side in another place fashioning the future Constitution of this country, and those who were his colleagues will bear testimony to the fact that amongst the members of the Indian Delegation there was none who excelled him in his indefatigable industry and in the mastery of facts which he brought to bear upon the deliberations of the Joint Select Committee. When at last he decided to retire from his work on that Committee, the members of the Delegation felt that they had suffered a loss of one who had made the cause of India his own personal cause and who had struggled both within and outside the Joint Committee for the future reforms of this country which, I am certain, will be very largely influenced by his skilful and adroit advocacy on that body. Sir, I knew Mr. Rangaswami Iyengar occupying the Opposition Benches in the second Assembly and I remember the skill and care and, indeed, the moderation with which he used to present the case of his Party to the Government. Mr. Rangaswami Iyengar was popular with the occupants of the Treasury Benches by possessing the qualities to which the Honourable the Leader of the House has so aptly alluded. As a friend, his loss will be mourned by a wide circle of his compatriots throughout the length and breadth of this country. As a Member of the Assembly, we mourn his loss today, as a journalist, his loss is irreparable as he had been occupying the Editorial Chair of that great newspaper, the *Hindu* of Madras. Sir, I associate myself with all that has fallen from the lips of the Honourable the Leader of the House and other previous speakers.

Mr. F. E. James (Madras: European): Sir, my Leader, Sir Leslie Hudson, has generously permitted me to speak on this occasion on behalf of the European Group as I enjoyed for many years the personal friendship of Mr. Rangaswami Iyengar. In fact his friendship was one of the first privileges which I received when I first came to this country and that friendship has continued undiminished through all the stormy years of the past decade until his death. Reference has been made to his work as the General Secretary of the Indian National Congress, to his work as Secretary of the Swaraj Party in this House and to his work in London at the Round Table Conference and at the Joint Select Committee. He was frail in body, and anyone who met him could not but realise that there was within him a consuming and burning fire which kept him striving ceaselessly in spite of increasing ill-health. He was a nationalist in the best sense of the word. He believed tremendously in his country's destiny, not for itself, but in the destiny of India on a world stage. Reference has also been made to his work as a journalist. I believe it is largely due to his work that the *Hindu* has been raised to the position of one of the most outstanding journals in India. His own articles, which one reads with avidity, reveal a wide culture, a polished style and an eloquent advocacy which gave them a tremendous influence over public

opinion in this country. I doubt whether there is any journalist in India who, through his own leading articles, has exercised such a wide and far-reaching influence upon public opinion. Sir, men come and men go. Some leave the world a richer place and some leave the world a poorer place. Mr. Rangaswami Iyengar left India immeasurably richer by his life and work although we feel his loss today. I desire to pay this tribute on behalf of my European colleagues and to join in the wish that our sympathies should be sent to his relatives.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, before I left Madras last, I went to see Mr. Rangaswami Iyengar. He was lying on his sick bed not doing well. He had some trouble in the stomach and his condition appeared rather serious. The doctors would not allow people to see the patient, but as he insisted on seeing me, I was allowed to see him. I cheered him up, but still he felt that his end was near. I never thought that his end was so near and we, his friends, expected that he would recover and he would still be of service to his country. But God willed otherwise. In this House, probably with the exception of the Honourable Raja Bahadur Krishnamachariar, I can claim the longest period of friendship with him. I met him first in 1907 when I went to Madras in connection with the first banking institution with which I was connected. At that time the *Hindu* was being conducted by his uncle, the late Mr. Kasturiranga Iyengar and, as the Raja Bahadur has said, the *Hindu* had a chequered career till it was taken up by the late Mr. Kasturiranga Iyengar, and, after the said demise of Mr. Kasturiranga Iyengar, we felt whether it would be possible to maintain the standard of that journal to that high level and foremost position to which the late Mr. Kasturiranga Iyengar had brought it to. But I might say that he maintained the high standard of the newspaper and conducted it with that ability and with that zeal and with that patriotism, and it still holds the first and foremost place among the daily newspapers in India. You know, Sir, in these days of Press Laws and repression, it is a very difficult task for a newspaper editor to do his duty and place the public point of view freely and properly, but the late Mr. Rangaswami Iyengar fought the battle of his country most fearlessly and he never missed an opportunity of criticising the Government whenever an occasion arose. He was a gentleman who was quite prepared to help the Government when they were in the right and, at the same time, when he felt, that Government were not doing their duty properly to the country, he came forward and fearlessly opposed the Government and laid the case of the country in such a forcible manner that the Government had to admit that the way in which he had put the case could not be improved upon. To me, it is a great personal loss, a loss of a good and devoted friend and one who was always very kind to me. His death is a loss to the Madras Presidency at a time when his services were needed most. Amongst the present day Madrasis, I think he had put the largest service to the country in our Presidency and, as a strong nationalist, as a strong Swarajist, and, as a Member of this Assembly, he did yeoman and valuable service to the country, and it will be a long time before we could find another person to replace him. We know he was a great authority on constitutional matters and he had made a special study of financial subjects. He was one of the finest writers on financial topics and he took a good deal of interest in the industrial and commercial development of the country. The *Hindu* is one of the few newspapers which takes interest not only in the political side of the country, but also from the economic side and, I

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am sure, the Honourable the Fiannee Member will agree with me when I say that the late Mr. Rangaswami Iyengar was one of the few sound financial writers who understood his subject well and laid the Indian point of view in such a clear and lucid manner that we could not find many others to do the same. Already the previous speakers have spoken about his quality of head and heart and I do not want to take up any more time of the House, but I must say this much that, so far as Indian journalism is concerned, the late Mr. Rangaswami Iyengar had done a great deal for it both as Editor of the English newspaper, the *Hindu*, the leading newspaper of India, as well as to the vernacular journalism. He was the proprietor of the *Swadeshamitran*, the oldest and leading Tamil vernacular journal in the Madras Presidency. After Mr. G. Subramanya Aiyar died, it was felt that vernacular journalism in our Presidency would not flourish; but it was the indomitable energy and capacity of Mr. Rangaswami Iyengar and his colleagues that they brought the *Swadeshamitran* to its present leading position. And under his lead, a number of other vernacular newspapers have sprung up, with the result that the general public, who do not know English, are now being educated in matters which vitally affect them. Sir, I am very sorry for his loss, both as a personal loss and as a loss to the Madras Presidency and India generally, and I associate myself with what has been already said about him by others who have spoken before me.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadan Urban): Sir, by the death of Mr. Rangaswami Iyengar, not only journalism, but the whole country has suffered a great loss. He was not only a great journalist, but a great patriot. He raised the tone of the vernacular press and he set a noble example of the best traditions of journalism throughout the country. It may be truly said of him that he would have made his mark as a journalist in any country in the world. He made the *Hindu* a great paper and a great institution. He regarded journalism not as a profession, but as a public duty and as an institution for service to the country and humanity. He set an example of sacrifice and service throughout the country. His loss is irreparable not only to journalism, but to the country which needed very sorely level-headed men like Mr. Rangaswami Iyengar at this critical juncture in the country's history. He was full of common sense and what struck us most in his writings was the moderation and sobriety of his views. The secret of his success was his simplicity and sincerity. He stood for constructive policy, peace and unity in the country. I had the privilege of being associated with him in the second Assembly and what struck us about this man was his self-effacement. He worked for the cause and his devotion to the cause which he espoused was intense and the success of the Swaraj Party was in a great measure due to him. He was the right hand man of Pandit Motilal Nehru. As Mr. Neogy has said, he was the power behind the throne. He was a conscientious worker. Today the country is poorer by the loss of a brilliant journalist and a patriot devoted to the cause of his country. Sir, I beg to associate myself with this motion.

Mr. R. S. Sarma (Nominated Non-Official): Sir, as a Member of the Assembly belonging to the profession of which the late Mr. Rangaswami Iyengar was such a distinguished and brilliant ornament, I take this opportunity of associating myself with the sentiments of sorrow and regret expressed on the floor of the House this morning. My regret is all

the greater, because of the fact that he came from my own district, was a close personal friend of mine and a colleague and comrade in arms in my profession. Sir, it is a sad and melancholy coincidence that these references to a great journalist on his demise are made on the same day when we are discussing a measure to forge some new fetters for the press. And may I not say this that, if the members of my profession had only followed the illustrious example he has set of decent journalism, there would never have been any justification or need for such a measure. Therefore, it is all the more important, Sir, that the members of my profession should take a leaf out of his book and follow the illustrious example he has set. The *Hindu* is a nationalist paper and, for all intents and purposes, it is an extremist paper. But, even in spite of that politics, it has earned the goodwill and confidence of even officials; and I may say that even Viceroys like Lord Reading and Lord Chelmsford and others have spoken to me very often in what high regard they had held the *Hindu*. It was not because it was lacking in patriotism or in extremist politics, but because the editor displayed in his articles those qualities of concord, sobriety, moderation and lack of malice to which the Leader of the House made so pointed a reference this morning. And, Sir, what better tribute can we journalists pay to his memory today than take a firm resolve that, in the conduct of the papers under our charge, we shall place before ourselves his high and inspiring ideal and conform to those high standards of morality, decency and integrity in journalism which he himself set as an example for journalists in this country?

Mr. President (The Honourable Sir Shanmukham Chetty): I wish to associate the Chair with all that has been said about our late colleague, Rangaswami Iyengar. My association with the tribute that has been paid to his memory from various sections of the House cannot either be conventional or formal; for with just a few Members of this House I can claim the most intimate acquaintance both in public and private with our late colleague, Rangaswami Iyengar. As a journalist and as a politician, Rangaswami was a real national asset, and today the nation is poorer for his death. He was, like most public men in this country, a fearless and relentless critic of the administration; but the remarkable thing about his criticism was that it was not merely of the negative and destructive kind which led one nowhere. His mind always worked in constructive channels of thought and, both on the floor of this House and outside, his contributions to the study of various public questions have resulted in something really constructive and useful. He combined in a remarkable degree sobriety of judgment with a grasp of the details of public administration and public questions. Many Honourable Members may still remember the quiet unassuming work that he did on the floor of this House as an honoured Member for over four years. During that period I had the privilege of the closest association and co-operation with him, for during that period he was the Secretary of the primary Opposition Party, the Swaraj Party, and I happened to be the Chief Whip of that Party. In that capacity, we came into the most intimate contact. When, in after years, the history of political development in this country comes to be written, it will be realised that in those stormy days if, in spite of the programme which that great political Party set before itself, it directed its actions towards constructive channels, it was in no small degree due to the great and sober influence which Rangaswami Iyengar exerted on the affairs of the Swaraj Party. What made him such a

lovable personality was the fact that, though he was the author of many brilliant ideas and plans, he always kept his personality in the background and worked for the cause which he had near his heart. His death has left us poorer, has left the nation poorer. In the world of journalism, he has set a very high standard of morality and integrity; and to the public men he set in his life an example of how sober judgment and mature study of public questions will enable a public man to contribute something useful in the solution of the problems with which we are faced. It will be my duty to convey to Mrs. Rangaswami the heart-felt condolences of his colleagues and friends at the serious loss that this House and the country have suffered in his untimely death.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill to amend the Indian Medical Council Act, 1933, for a certain purpose.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be granted to introduce a Bill to amend the Indian Medical Council Act, 1933, for a certain purpose."

The motion was adopted.

Mr. G. S. Bajpai: Sir, I introduce the Bill.

THE INDIAN TARIFF (TEXTILE PROTECTION) AMENDMENT BILL

The Honourable Joseph Bhoré (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved.

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not want to raise any discussion on this Bill, but I want, with your permission, to ask two questions if the Honourable Member will be pleased to answer them. The first is that I notice that there are certain items which are common in this and in the old Tariff Bill which is under discussion and the incidence of taxation is different; what will be the position tomorrow? Will the taxation be according to the old tariff or according to the new tariff? The second question is, what is the reason why this Bill is not presented to us along with the Finance Bill and why is it separated from the Finance Bill?

The Honourable Sir Joseph Bhore: Sir, I should have thought that my Honourable friend would have been able to furnish a reply to both these questions himself. As regards the first point which he has raised, I think he will remember that a clause in the Bill which was introduced last December made the duties specified in that Bill leviable immediately. Those duties will continue for the present to be levied until they are actually repealed or substituted by anything that may be passed in the present Bill. That is the first point. Secondly, my Honourable friend wants to know why this measure is not being introduced as part of the general Finance Bill. The reply to that is quite simple: it is because this is primarily a measure of protection, and as a measure of protection, it must be brought up separately before this House for discussion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes."

The motion was adopted.

The Honourable Sir Joseph Bhore: Sir, I introduce the Bill.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Indian States (Protection) Bill.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, on the last occasion, when we were discussing this Bill, I drew the attention of this House to the drastic provisions of clause 6 by which a person or body of persons in British India might be restricted by an order of the District Magistrate upon summons served under the provisions of the Criminal Procedure Code, if in his opinion, such direction was likely to prevent or tended to prevent interference with the Administration of a State in India or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State. These provisions are quite drastic, as has been pointed out by a number of officials to whom the Bill was referred. What I really cannot understand is how a man remaining in British India can interfere with the administration of an Indian State and how an order like this could prevent him from doing so. This order may be passed even *ex parte*, and the person who is aggrieved by it may move that the District Magistrate or the Presidency Magistrate may reconsider the order. We know the way in which the security sections are being administered under the Criminal Procedure Code; and although such a provision is provided, it very rarely happens that an order once passed is disturbed. So far as I can see, there is no provision in this Bill for an appeal either in this clause or in the clause which allows security to be demanded from newspapers. Very nearly it comes to the old slogan that was repeated when the Rowlat Act was passed, *na vakeel, na daleel, na appeal*. I submit, that is a matter which requires close consideration in Select Committee. In fact, if you read the opinions, most of the

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objections are directed to the provisions of clauses 4 and 6; and I do hope that Honourable Members who will go to the Select Committee will bring their minds to bear upon these two clauses very carefully and very closely and not give powers which are more than what would be absolutely necessary for the protection of the princes.

Sir, I should be very sorry to consider, especially because it would be a great misfortune if it was a fact, that a large body of princes should be protected by means of these drastic provisions. If there was no trouble, if a prince has been administering his State in a fairly good manner—because you can never satisfy the whole of his subjects—then all these directions are unnecessary; and I cannot believe that there has been a general or even a large demand that such provisions should be enacted by the Legislature.

I have now finished what I had to say with reference to the principles of the Bill so far as they ought to be considered by the Select Committee. There is only another point which, I am sorry that, in the numerous volley of points of order that was raised the other day, I entirely lost sight of, and that is the constitutional position of the subjects of an Indian State. It has been seen from the time that the question of reforms came to the fore and to a certain extent even before, that there is a tendency to treat the subjects of Indian States as if they were a separate entity apart from the princes. That constitutionally is not the correct position. So far as the outside public is concerned, so far as the outside Governments are concerned, the State and its subjects form one entity, and that is proved by the fact that, for instance, where they appoint delegates to these various international institutions, it is only the Government that is asked to make the nomination; and, in view of the fact that most of these Governments are of self-governing countries, the delegates and representatives chosen really represent the nation of which the Government forms a part. It may be that under the peculiar circumstances of the Indian Government and of the Indian States, the persons who are sent as representatives are not liked and are not said to be fully representative of the people of those countries; but that in no way detracts from the constitutional position that the princes and the people are one entity and they could not be separated.

Now, Sir, my highest authority is the Report of the All-Parties Conference which was drafted by distinguished lawyers like Sir Tej Bahadur Sapru and others and it is this position that they have confirmed there. Consequently, there can be no doubt about it. If that position is correct, it is a pity that conferences of Indian State subjects are being held all over the country,—if those gentlemen will pardon me—guided by persons who do not know anything about the inner working of the States, who have simply heard stories of these princes with the one object of levelling criticisms against the princes and their administration which, I am afraid, would only result in alienating the subjects from the princes themselves. Sir, it is absolutely dangerous both to the interests of the subjects as well as the princes, because, after all, it is a domestic quarrel. Some time such quarrels may be made up, and then what is the position of these gentlemen who interfere with these domestic quarrels? I am very glad that my friend, Mr. Natarajan, in the concluding address that he delivered yesterday to the conference asked these gentlemen to be very moderate, because, Sir, the mentality which these

gentlemen carry and which has been pointedly brought to our notice by the sentiments contained in a certain pamphlet which has been placed in my hands are somewhat extraordinary. This is what is stated here:

"It is necessary for the people of the Indian States to concentrate their energies in the first place to obtain an unambiguous and well defined declaration of equality from the British Government clearly stating that there can be no treaty, proclamation or any other engagement which would pledge the British Government to help the chiefs in the maintenance of any form of rule contrary to the declared wishes of their people, and the people are free to assert and enforce their right to arrange their Government in any manner they please, and in doing so will resort to any means not excluding violence which they can organize and use effectively."

This will certainly include the right to rebel and depose a chief and proclaim a republic or to put anybody on the *Gaddi* whom they consider fit. Madness cannot go any further. You do not want a declaration from the British Government to rebel. If you are to murder a chief, if you are to depose him, you do not want the permission of the British Government to do that. Surely it is absurd to place ideas of this sort before unsophisticated people, and you can very easily imagine the result so aptly put by Shakespeare in the mouth of Mark Antony:

"Now mischief thou art set on foot,
Take what course thou wilt."

I would, therefore, advise these State subjects to be patient, to be moderate and try to make up with their chiefs, and, lastly, I would appeal to the Honourable the Home Member, in the discussions in the Select Committee, to place the fullest materials he has in his possession before the members, because, Sir, after all, trust begets trust, and we are here not to obstruct and delay the proposals of the Government at every stage, but we are quite prepared to offer our sincere and reasoned co-operation upon materials which they may have in their possession, but which when they want our vote, I respectfully submit, they ought to place before us relying upon us in full.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadian Urban): Sir, a few days ago, I happened to read an interesting volume on "Indian India" by Colonel Waddington, a former principal of the Rajkumar College at Rajkot, and afterwards for a number of years Principal of the Mayo College at Ajmere. It is prefaced by Sir Claude Hill,—at one time a Member of the Executive Council of H. E. the Viceroy—who had gained unique experience of the condition of Indian States as a political officer in Kathiawar and Rajputana. No one can read that interesting volume without being thrilled by the glorious deeds of rulers of Aryan India, or moved by the glories of Rajasthan immortalised by Colonel Tod in his classic work. Both Colonel Waddington and Sir Claude Hill write with an intimate knowledge of the subject and the author of "Indian India" pays a just tribute to the spirit of progress and patriotism of his former pupils now ruling princes in some of the most enlightened States—who are engaged in shaping the future political destiny of India in cordial co-operation with statesmen in British India. That book contains a powerful plea for the protection and preservation of Rajasthan for which Colonel Tod in his dedication to King William IV most fervently prayed. The heroic deeds of Ramchandrajai and Krishna and chivalrous sacrifices of their illustrious descendants as recited in the great Indian epic, the Mahabharata, have not only appealed to Indians, but to Europeans and especially to Englishmen. But when we find attempts made by our own countrymen to pull down and destroy Rajasthan, the pride of the

[Mr. N. M. Dumasia.]

proud Aryans, we cannot but feel humiliated. The preservation and protection of that great Order which has been venerated in this country for innumerable centuries should be an article of faith with every Indian.

I feel considerable sympathy with those Members, who, actuated by the ideals of liberty-loving British, offer honest opposition to this Bill. But I am sure that it, instead of relying on the reports of so-called subjects of Indian States, they visited some of the Indian States against which venomous attacks are levelled, and studied for themselves the conditions, they would find remarkable progress and contentment in these States. I have no hesitation in asserting that, after a dispassionate study of the prevailing conditions, they would come to the conclusion that a pernicious propaganda of lies, and a campaign of calumny are carried on, not for the introduction of reforms, but for the destruction of the States and implanting of the critics of the States in place of their rulers. Perfection is not to be found in this world, and nobody claims that there is perfection in all these States. The rulers are after all human beings and liable to err, but the monopoly of wisdom is not centered in the critics of the States. These rulers are described as monsters in human garments, and fanatic appeals are made to ignorant people to make short shrift of them.

Mr. B. Das (Orissa Division: Non-Muhammadan): The rulers will blush to hear these complaints.

Mr. N. M. Dumasia: Thank you very much, Mr. Das. A vast quantity of venomous and revolutionary literature imported into the States emanates from British India, of which my friend, Mr. B. Das, is entirely ignorant. For a long time past, a campaign of calumny has been waged against the princes of Kathiawar and Rajputana, the hymn of hatred is poured into the ears of the people who are incited to dethrone the rulers, and insinuating suggestions are made even to behead them by hinting darkly that the English once executed their King. This persistent vilification of the rulers, and the campaign of lies that is relentlessly pursued by the enemies of the States are bound to produce a crop of anarchy and unrest unless it is effectively checked. The danger does not spring from within; it comes from without, and is waged by so-called subjects of Indian States. Most of them have as much to do with Indian States as the man in the moon. They have no connection with the States except that they or their forefathers were born there, or that they owed their existence to the generosity of the States. They pay no taxes. They have no stake in the States. They have practically become subjects of British India, their activities against the States are directed from British India, and they are encouraged in their relentless war upon the States by the fact that there is no effective law to check their activities. The Government of India have so far failed to protect the princes whose critics have the audacity to insinuate that they would make short shrift of all the princes, whom they describe as "parasites", "black sheep", etc., if the Government of India did not protect them. The failure of the Princes' Protection Act now on the Statute-book to protect the princes has encouraged outsiders to carry on a subversive movement in the States. Its procedure has been found cumbersome and its remedies ineffective. In fact, instead of affording protection, it has only helped the enemies of the States, who now know that they can be brought to

book only by a lengthy and difficult and costly litigation. The princes have tolerated with patience the abuse and insults showered upon them; they have treated them with the contempt they deserved. Emboldened by that dignified forbearance, these professional agitators, who have no legitimate concern with the States, are doing their best to introduce the worst features of the Civil Disobedience Movement and to rouse passion and prejudice in the loyal subjects of the States against all constituted authority. Even Mr. Gandhi recognised this danger, for, in July, 1931, he wrote an article deprecating Satyagraha in Indian States and suggesting the reform of administration in the Indian States by respectful, constitutional methods and "constructive work" regarding khadi and charkha, the removal of untouchability and communal unity. Mr. Gandhi in the course of a speech at Morvi urged the need for co-operation between the princes and the people and constructive work in the States. He said that the self-imposed restriction laid down in the Porbander session last year against the criticism of individual States was not an impediment in the way of their progress, but, on the contrary, gave the people enough opportunities for real work. But these self-styled representatives of the States' peoples do not want reforms, for they have suggested none. They want to wipe out these Indian States. They create trouble in the States, not with a view to introducing reforms, but to uproot the whole order of princes. The effects of their teachings are bound to stir up trouble which it will be difficult to control, once it has instilled poison in the minds of the people. When a lie is repeated several times, and it is not countered, it passes as truth.

In an article, I wrote in the *Times of India*, in August, 1931, I raised a warning against plots hatched in British India, and pointed out that the States were in great danger of destruction. In that article I emphasised the point that there was a real danger of the spread of Bolshevism or Communism through the inactivity of the Government to protect the princes and pointed out that, even if Mr. Gandhi returned from England with a Constitution, it would be difficult to prevent the onrush of Communism once it got a fair start. From my long experience as a journalist, I can confidently say that even the most stringent law will not affect an honest critic of Indian States from criticising autocratic methods of the rulers. One can point out abuses in the States, suggest reforms and advocate the introduction of representative institutions in place of personal rule, without in any way being affected by law which is directed against interested and unscrupulous agitators who take shelter in British India at a safe distance from the States against whom their sinister attacks and destructive energies are directed. In a dispassionate article upholding the best traditions of liberty of the Press, even *The National Call* of Delhi does not deny that a certain type of news sheets exist which resort to a most despicable form of extortion, not only perhaps from Indian princes, but even from private individuals. It is the duty of journalists in India to speak out now dissociating themselves from the gang of designing agitators who live by mud-slinging against the princes. By supporting the "black-sheep" of the profession, nationalist newspapers are giving a handle to the enemies of India to say that we cannot differentiate between liberty and license. This measure, if it were intended to stifle expression of public opinion and strong but fair criticism of States, some of which at times stand in need of correction, I would have opposed it tooth and nail, but as the Honourable the Home Member

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has pointed out, the Bill is not intended to restrict the legitimate powers of the Press. It is not against criticism, mild or violent, that the princes desire protection. They want protection against subversive movements directed against the States from British India by propaganda, through leaflets and extremist newspapers, whose business is to create mischief and trouble as they live and thrive on their mischievous activities. These agitators are neither leaders nor responsible persons, but professional propagandists on the look out for personal gain through disturbances in the States. His Highness the Maharaja of Bikaner, who has thrown the weight of his influence for the advancement of British India, has pleaded for "Federation with honour, safety and integrity", but a handful of agitators, claiming to speak on behalf of 80 millions of States' subjects, are determined that there should be no honour, no safety and no integrity so far as Indian States are concerned. These agitators have made no contribution to the welfare of the States people, and all the troubles are created by these agitators who have created nothing else.

I have great respect for those gentlemen, who have presided at the meetings of what are called All-India States' People's Conferences. The Conference held in Bombay, in May, 1927, was presided by that able and conscientious publicist, Mr. C. Y. Chintamani. He frankly admitted that he did not possess much experience of the Indian States and that his brief study of their problems was comparatively recent. Lack of knowledge of the States did not prevent even Mr. Chintamani from making some sweeping statements. He examined the problems not from the point of view of the States, but from the standpoint of British Indian subjects. How could he represent the feelings of the subjects of the States when he argued the whole case as an outsider with strong Congress leanings? Then, there was another esteemable gentleman, Mr. Ramchandra Rao, who even went in deputation to England. When asked by Sir Harcourt Butler about his credentials to speak on behalf of the States' people, he blurted out the truth that he was not the subject of any Indian State, but he represented them, because he was asked to do so. This is rather unfortunate from the point of view of the States' peoples, because what we want to know is the feeling of the States' people, instead of the opinions of British Indian politicians. Mr. Chintamani complained bitterly of the way in which the British Government had in the past infringed the treaty rights of the States, yet he did not hesitate to recommend the scrapping of the treaties if certain conditions which he laid down were not fulfilled, and he surprised his audience by laying down that if these treaties meant the perpetual partitioning of the country,—I do not understand what he meant by the perpetual partitioning of the country—then "India first, treaty rights afterwards". I am sure all Indians will say "honour of the country first" and sanctity of treaty above everything. Did not India offer sacrifices to defend the sanctity of treaty with Belgium, which precipitated the last world war ?

I attended a meeting in Bombay convened some time back in the name of the people of Jodhpur to protest against the administration of the Jodhpur State. When I went there, I found the doors of the hall closed by the conveners of the meeting against the real subjects of the State residing in Bombay who mustered strong to expose the hollowness of the agitation against the State. The promoters of the agitation declined to admit some representatives, who had come from Jodhpur. These people,

however, forced open the gate and intimated their intention to hold a meeting condemning the conveners of the meeting who had nothing to do with Jodhpur. The conveners were, therefore, forced to elect their President and commence proceedings. Neither the President nor the speakers belonged to Jodhpur, nor had they ever paid a visit to the State. They did not belong even to Rajputana. The real subjects of the Jodhpur State broke up the meeting, passed a resolution of confidence in the ruler of the Jodhpur State and condemned the conduct of the conveners of the meeting.

On another melancholy occasion, when people of Bombay had met to appeal for funds for relieving the distress caused by floods in Gujerat and Kathiawar, scurrilous leaflets were distributed at the meeting containing vituperative and venomous attacks on a gallant and patriotic prince. Those who published and distributed the leaflets had no more to do with the State than a Bedouin in Timbuctoo. A Kathiawar State was raided by a band of illiterate persons, men and women. They called themselves Satyagrahis. Among them were five women, three of whom were not out of their teens. Among the male Satyagrahis, there were half a dozen youths varying in age from 12 to 17 years. They were all illiterate and void of any knowledge or understanding of politics. They had absolutely no interest in the well-being of the subjects of the State. In the propagandist extreme papers and leaflets circulated broadcast they were described as "representatives of different States", "heroic leaders", and so on, and such misrepresentations create a wrong impression on people not in touch with realities. The mischief these self-styled pseudo leaders do is out of all proportion to their number or influence. These agitators expected *lathi* charges which would have enabled them to feed their extremist papers with sensational materials for instigating the public against the States, but they were disappointed, for, contrary to their expectation, there were no *lathi* charges, but arrest and detention in a well-kept house. They were arrested and detained, and when asked, they admitted they had nothing to do with the State. A similar gang of persons invaded another State with a view to creating trouble. They were sent back, but they returned again and again until they were arrested and detained when a great agitation was created in Bombay for the detention of these innocent hirelings. This sort of agitation has been going on in Kathiawar and Rajputana for a long time. It is time these troubles were ended.

I will not call these agitators names, but the purity of motives of some of the leaders of the movement is open to question. There is a State in Kathiawar which has long been regarded as a model State. Its ruler regards himself as a servant of his people. There is not a single tax in the State. The ruler abolished several vexatious taxes. The income of his State is 20 lakhs of rupees a year and the income from interests on investments is 30 lakhs of rupees, and it is from the interests of these investments that the State is run, most of the other revenue being spent upon public works and means of communication. A proprietor of a newspaper visited the State and asked for assistance of a high State official to get the ruler to subscribe to the shares of his paper for one lakh of rupees. It was a laudable ambition on his part but the officer replied that the business of the ruler was to run the State and not a newspaper and showed the door to the representative of the Press. This so annoyed him that, ever since that day, most unfair attacks of a virulent nature are made against the enlightened ruler and all sorts of abuses are showered on the head of this "tyrannical" ruler, who has now

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headed the list of the earthquake fund by giving the largest individual contribution of one lakh of rupees. The prince, along with several other rulers, was forced to ban the paper in his State and thus incur the wrath of the mighty publicist.

The States desire unity with India. They desire to make India respected as a nation among the civilised people of the world. They want to make India a dominant partner in the Empire. They have declared for Federation with safeguards. In spite of warnings, they have declared that they will not allow the cause of British India to suffer. They have made a beginning of responsible rule in their States suited to the times, environments and capacity of their peoples. They can make a beginning; they cannot force the pace. (Mr. N. M. Joshi laughed.) My friend, Mr. Joshi, who is a regular reader of the *Servant of India*, that excellent journal in which all these things are contained, now shows ignorance of the subject. The princes have shown their sympathy with the growing aspirations of India. In fact, the people in British India regard rulers like Maharajas of Baroda, Bhopal and others as nationalist patriotic princes. What then ails the critics of the States? They want to make a clean sweep of the princes, to assume the reins of Government in their own hands, to get the control of power and purse in their own charge, and to do what they like with their dupes, the innocent people of India in the ordering of whose lives they have no legitimate interest.

Sir, this morning I got a very expensive card printed with gold borders. It says:

"Princes Protection Bill means Death Warrant for States subjects. Oppose this Bill and serve humanity. The *Riyasat*, Delhi."

The *Riyasat* of Delhi is an admirable paper. In November, 1928, it published an article entitled "Purity of Descent of the Ruling Princes". I will read an extract from it, which will show the admirable qualities of the conductors of this paper. It reads:

"It is a general complaint of the subjects of Indian States that the ruling princes of States of today are not so pious, generous, just, good hearted, brave and dutious as was the case in the past. But these people do not know that a majority of the ruling princes of the present generation are by blood descendants of low and mean persons such as washermen, water-carriers, barbers, etc., and they have either been purchased from their real parents on account of childlessness or have been brought forth by the Maharanes and Begums by means of Neog (adultery) owing to the impotency of the ruling princes. The result is, that among the existing princes there are some who have the mentality of washermen, water-carriers and barbers."

Sir, I am ashamed to read any further. This is the paper which today asks you to kill the Indian Princes (Protection) Bill.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhamadan): I do not want to interrupt the Honourable Member, but can he say whether, under the provisions of the Bill, as it stands at present, writing like this can be prohibited?

Mr. N. M. Dumasia: It will be for the Honourable the Law Member to reply to that question. I will not read further. It is shocking that one of our own countrymen, especially a journalist who tries to instruct us in the ethics of journalism, should dare to write such abominable things. What I have related today is from my personal experience. I have visited

every State in Kathiawar and Rajputana. I have attended many meetings, and I have found out that those people who call themselves Indian State subjects are only professional propagandists in British India who thrive on this propaganda. As I have said, the Indian princes are not free from faults. But in this twentieth century they have become alive to their responsibilities, education is abroad, and today the greatest patriots in India are some of the Indian princes. With these remarks, Sir, I support the motion for the committal of the Bill to the Select Committee.

Mr. Gaya Prasad Singh: Sir, I do not want to make any lengthy observations at this stage of the Bill, but I should like to subject it to a short criticism, so far as the provisions of the Bill as they stand on paper go. Before I do so, I should like to associate myself with the very laudable desire of the Honourable the Home Member to see that legitimate protection is afforded to the princes against malicious attacks and that no subversive movements in British India should be allowed to interfere with the internal administration of the Indian States. But I should like to ask the question as to how the provisions of the Bill, as they stand, would conduce to that result.

There are, I take it, three main points of principle involved in this Bill. The first is clause 3 of the Bill which relates to conspiracies against Indian States. Now, clause 3 seeks to introduce the words "Or the Administration of any State in India" in section 121A of the Indian Penal Code. That section relates to a conspiracy to commit offences punishable under section 121. Section 121 relates to "waging war or attempting to wage war or abetting the waging of war against the Queen". Now, section 121 has reference to the constitutional position of a British subject *vis-à-vis* the Queen of England, who is the Sovereign of British India. I should like to know whether it is intended that British Indian subjects who owe no allegiance to any Indian State or to any prince of an Indian State should be placed on the same footing as their relationship with the Crown of England involves.

The Honourable Sir Harry Haig (Home Member): I do not want to interrupt the Honourable Member, but this was a point taken in the debate in September and I then pointed out that what is provided by this clause is in respect of conspiracies to overawe by means of criminal force or the show of criminal force the Government of India or any Local Government, and then we propose to add the words "or the Administration of any State in India". That is the offence. "Conspiracy to overawe by means of criminal force or the show of criminal force the Administration of any State in India". It has nothing to do with allegiance.

Mr. Gaya Prasad Singh: What I was asking is, is the Honourable Member so sure that he will be able to accomplish the object which he has in view merely by the insertion of these few words, "or the Administration of any State in India"? Now, "Government established by law" has been defined in the Indian Penal Code. "The Administration of any State in India" has not been defined, so far as I know in any enactment, not even in the Bill before us. Then the question arises: "What is the Administration of any Indian State"? Is it a sort of autocratic Administration which prevails in many of the States, or is it any other form of Government which may be established in the near future? I would submit that the proper course for the Honourable the Home Member is to bring forward a self-contained Bill, if he thinks it necessary to do so, and

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not to insert these expressions in the section of the existing Penal Code which is meant for a different purpose. Now, what is the exact relationship of a British Indian subject to the Sovereign? It is a relationship based on loyalty and allegiance. The same sort of relationship does not exist between any inhabitant of British India and the prince of any Indian State. Therefore, the mere insertion of these expressions in the existing Penal Code will not serve the purpose that the Honourable the Home Member has in view. The second point of principle contained in this Bill is clause 4 which relates to the press. The contention of my Honourable friend, the Home Member, in this connection, if I remember aright, was that a fair comment on the Administration of an Indian State is protected under the provisions of the existing enactment,—I mean the Press Act of 1932 and the Press Act of 1931,—but, as was pointed out, a mere enumeration of some of the acts done in or of the incidents of an Indian State would be tantamount to exciting disaffection against the State. Now, how is such a statement to be protected? My Honourable friend, Mr. Dumasia, has just read out a quotation from a local newspaper. I may at once say that I thoroughly disapprove of the taste of the writer in indulging in that sort of scurrilous writing, but may I ask whether a writing like that can be prohibited under the provisions of the Bill as it stands? Clause 4 of the Bill, as it is, related to the "Administration established in any State in India" it does not relate to any comment which is directed against the person of the prince himself. It incorporates a clause (j) after clause (i) in sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1932, thus:

"(j) to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India."

But, as I was submitting, "Administration" has not been defined yet. Moreover, the hatred or contempt or the exciting of disaffection must be towards the Administration, and does not relate to the personality of the prince himself. What has been read out by my friend, Mr. Dumasia, relates to the personality of the prince or the generality of princes. In this connection I would refer the House to the Indian States (Protection against Disaffection) Act, 1922. This Act was passed not by the Legislative Assembly at that time: this House rejected that Bill, but it was certified by the Governor General. The writing to which my friend, Mr. Dumasia, referred might have come, if at all, under section 3 of that Act of 1922, which runs as follows:

"Whoever edits, prints or publishes or is the author of any book, newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards any prince or chief of a State in India or the Government or Administration established in any such State shall be punishable".

and so on.

Here section 3 refers both to the personality of the prince as well as to his Administration, and the sort of writing that has been
 1 P.M. read out may come under this section. May I ask the Government or my Honourable friend, the Political Secretary, as to why no action was taken under that Act? It is stated that the present Act is insufficient to accomplish the purpose. May I ask, if the Government disapproved of a writing like that, and, if so, what steps they took under the provisions of that Act in protecting the personality of the prince? Under section 5 of the Act of 1921, the Court shall proceed to the trial

of the offence on the complaint made by or under authority from the Governor General in Council. Now, why did not the Governor General-in-Council accord his sanction to the prosecution of any offending newspaper? I am not referring to this particular writing, I would submit that the Government of India have themselves failed to give the much needed protection to the princes which they now seek to give under the provisions of this Bill which is before us. As I understand, since the passage of this Act of 1922, only three prosecutions have taken place. I myself pointed out some times back certain writings which at that time I described as scurrilous writings relating to the Maharaja of Kashmir. They were published in an Anglo-Indian paper, I mean the *Statesman*; but the Government of India ignored them altogether. With what face, I ask, can they now come before the House asking for fresh powers when the powers which were granted to them have not been properly utilised in the past?

Sir, the third point of principle which is involved in this Bill is that contained in clause 5. I should like to read out the important points in that clause and show how and to what extent it is likely to achieve the object which it has in view. Clause 5 says:

"When a District Magistrate or Presidency Magistrate is of opinion that there is in his jurisdiction a movement for the promotion of assemblies of persons for the purpose of proceeding from British India into the territory of a State in India and that the entry of such persons into the said territory or their presence therein is likely or will tend to cause interference with the Administration of the said State or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said territory, he may, by order in writing stating the material facts of the case, prohibit within the area specified in the order the assembly of five or more persons in furtherance of the said movement."

Now, I may at the outset say that I am opposed to organised **bodies** of men going from any part of British India within the territory of an Indian State with the hostile intentions. But will this clause, which I have read out, accomplish this purpose? This clause pre-supposes that the Magistrate of a particular place must be conversant with the state of affairs of the State into which it is intended to take the *jatha*. Now, I ask, are appropriate materials to be placed before the District Magistrate or is he to be placed in the position in which he was likely to know all the relevant facts concerning the State into which it is intended to take the *jathas*? The ruler of a State in which it is intended to take the *jatha* will probably be the first to resent any interference by the British Indian authorities in getting acquainted with the facts obtaining in that State. How is the District Magistrate, I ask, likely to know whether the entry of five or more persons from any part of British India would be likely to result in interference with the administration of the said State, or will constitute a danger to human life or safety or a disturbance to the public tranquillity in that State or a riot or even an affray within the said territory? Is it to be assumed that under these circumstances, if the Magistrate of British India has to exercise his discretion wisely and in a proper manner, he should go into the territory of the State concerned in order to get acquainted with the facts of the case before he proceeds to issue an order under this clause? Has the Political Department of the Government of India ascertained from the Indian princes, at whose instance, this piece of legislation is being piloted, whether they will allow our officials to go into the territories of the Indian States to get acquainted

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with the facts of the case before issuing such orders? What are the materials, and who will place the materials before the Magistrate? Indian States and their rulers will be the first to resent any interference on the part of our officials in the form of entry into, or calling for evidence from, the State, and getting acquainted with the facts of the case before the Magistrate is called upon to issue an order under this clause.

Mr. N. M. Joshi (Nominated Non-Official): You oppose this section.

Mr. Gaya Prasad Singh: What I mean to say is that this section is too wide; it is unworkable. It pre-supposes the acquaintance on the part of a Magistrate with the state of affairs obtaining in an Indian State. So, what I submit is that if this Bill goes to a Select Committee, the wide, the vague and the unworkable nature of the powers which are intended to be given should be properly looked into before this clause is allowed to stand on the Statute-book.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): You want it to be clear and comprehensive.

Mr. Gaya Prasad Singh: Now, interference with the affairs of an Indian State is also a vague term. How is the Magistrate in British India to come to the conclusion, if, say, five of us want to go into the territory of some State, that we are going to interfere with the affairs of the State? It may be a pleasure trip; it may be for the purpose of collecting subscriptions for a particular purpose. Under the clause, as it stands, it might amount to an interference in the affairs of an Indian State, in any case the Magistrate of the district is not in a position to say whether our going into the State is for any unlawful purpose, for the purpose of creating an affray or interfering with the Administration of a State. That is my objection to this clause as it stands. As I have said, I am quite at one with the Government in their desire to enact some measure which might put a stop to the hostile and unlawful eruptions of bodies of men from British India into State territories to interfere by force of arms with the Administration of that State. But this clause, as it stands, goes much beyond that, and it places on our Magistrate a duty which he is not in a position properly to discharge.

There is one thing which I might have said with regard to clause 4 of this Bill, but which I forgot to mention at that time; I might mention it now. As I stated, I am not reconciled to clause 4 of the Bill as it stands, as in my opinion, it is not calculated to serve the purpose which the Government have in view, and I am strengthened in my argument by what the Commissioner of the Tirhut Division has said on the point. This is what he says:

"Regarding para. 4, and the proposed amendment of the Press Act, I am opposed to the amendment. The arguments used by Sir Cowasji Jehangir are cogent and well founded. It is perfectly true that a mere dispassionate narration of some things still done in Native States would raise very profound feeling, and it would be very difficult to say whether this did, or did not, amount to hatred, contempt, and disaffection. I do not consider the Native States can or should be put on a par with British India. Their administration in the majority of cases lags far behind ours-

Nor can they be put on a par with Asiatic Allies of the King-Emperor, for the well-being of whose subjects we have in no way made ourselves responsible, and for the protection of whose rulers, from the results of mal-administration we are in no way bound to interfere."

This has been written by the Commissioner of the Tirhut Division whom I know personally. He is a British Official belonging to the Indian Civil Service.

Mr. B. Das: Was he not an *ex*-Political Agent in Orissa?

Mr. Gaya Prasad Singh: This opinion is also supported by some other official and non-official opinions which are in the papers supplied to us. I should like to refer to some of the observations which have been made by British Administrators in the past with reference to the relationship which exists between the Paramount Power and the Indian States as also the relationship which ought to subsist between the Indian States and their subjects. This is what Lord Lytton, in his despatch to the Secretary of State for India, prior to the rendition of Mysore in 1882, wrote.

"The British Government now undertakes the duty of protecting all Native States in India from external enemies and of preserving internal order by measures necessary for securing the people from misgovernment and for supporting the lawful authority of the Ruler. So also the powers of the British Government to prescribe the forms of administration and to insist that its advice be adopted are the necessary correlatives of the admitted responsibilities of the British Government for the internal peace of the whole Empire and general welfare of the people."

My reference to this quotation will be appreciated when I state that the word 'administration', as it finds a place in the Bill before us, has not at all been defined anywhere. It is within the power of the British Government, according to the authority which I have just quoted, to prescribe the forms of administration.

Raja Bahadur G. Krishnamachariar: No, it has not.

Mr. Gaya Prasad Singh: I am reading the quotation from Lord Lytton. My Honourable friend, the Raja Bahadur, disputes the authority of Lord Lytton. May I remind him what Lord Reading wrote only a few years back to H. E. H. the Nizam?

Raja Bahadur G. Krishnamachariar: But two wrongs do not make one right.

Mr. Gaya Prasad Singh: I find a friend behind me saying that the rights are given in the treaties. I wish the rights had been given in the treaties, and the British Government would scrupulously confine themselves to the rights which are contained in the treaties. But that is not so. The relationship of the Paramount Power with the Indian States does not rest only on the treaties, enactments, and *sanads* which have been enacted between the two parties concerned, but they have for the most part been supplemented by usages and suffrages and things of that sort which have been varying from time to time.

Raja Bahadur G. Krishnamachariar: But Lord Watson of the Privy Council said that those usages were absolutely no good.

Mr. President (The Honourable Sir Shanmukham Chetty): If the Honourable Member would take some time, he can resume his speech after Lunch.

Mr. Gaya Prasad Singh: Yes, Sir. I will take some little time.

Mr. President (The Honourable Sir Shanmukham Chetty): Then the House stands adjourned till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Gaya Prasad Singh: Sir, when we rose for Lunch, I was referring to the question of paramountcy. This word has not been very clearly defined. Paramountcy has been said to be paramount. The question has been no doubt discussed somewhat minutely in the Butler Committee's Report, and one of the points therein discussed was, whether the Government of India have the power to interfere in the internal administration of an Indian State or whether their interference is limited only so far as the external relationship of the States is concerned. Sir, the independent sovereignty of an Indian State has also not been very clearly defined. This is what we find in the Butler Committee's Report, para. 39:

"It is not in accordance with historical fact that when the Indian States came into contact with the British Power they were independent; each possessed a full sovereignty and status which a modern international lawyer would hold to be governed by rules of international law. In fact none of the States ever held international status. Nearly all of them were subordinate or tributary to the Moghul Empire, the Mahratta supremacy or the Sikh kingdom and dependent on them. Some were rescued, others were created by the British."

Now, Sir, our Indian States wanted their rights *vis-a-vis* the Crown and the Government of India to be clearly recognised and defined, and that is why they wanted a States Committee to be appointed. The States Committee was appointed, but the conclusions which this Committee arrived at do not carry them or us very far. I referred in an earlier part of my speech to the letter which Lord Reading as Viceroy of India wrote to His Exalted Highness the Nizam of Hyderabad. I will quote only one short sentence from that letter which has got a bearing on the point which we are discussing. This is what Lord Reading said:

"The sovereignty of the British Crown is supreme in India and therefore no ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements but exists independently of them."

And I want the Indian States to notice this very carefully:

"And, quite apart from its prerogatives in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India."

Then he says as follows:

"The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown."

This sentence, if it means anything at all, means that the British Government claims and has the right of interference even in the internal affairs of an Indian State. This is also the conclusion at which the Butler Committee has arrived. It says:

"Treaties, engagements and sanads, where they exist, are of continuing valid force but have necessarily been supplemented and illumined by political practice to meet changing conditions in a moving world. We have traced and analysed the growth of paramountcy. Though it has already lost and should continue to lose any arbitrary character in full and open discussion between the Princes and the Political Department, it must continue to be paramount and therefore it must be left free to meet unforeseen circumstances as they arise."

Now, Sir, the question ought to be settled once for all whether the Government of India have the right of interference in the internal affairs of an Indian State or not. If they have got that right, it must be exercised on proper occasions. If, on the other hand, as the Indian States claim, the Government of India have not got that right, then we shall have nothing more to do with the matter, and leave the subjects of the Indian States and their rulers to settle accounts in the best way they can. Sir, we are preventing the eruption of organised bodies of armed men in the territories of Indian States, and I repeat that I am in favour of that object. Whether that is to be secured by the provisions of the Bill which we are discussing now, or a more appropriate method could be devised for achieving the same purpose, is to be found out. But if the subjects of an Indian State are dissatisfied with the form of administration which obtains in that particular State, I should like to know whether the subjects of that State have got the right to change the form of Government without interference by the Paramount authority. Sir, the Government of India claim and have exercised the right of sending armed battalions and troops into the territories of Indian States in the preservation of what they call law and order. Now, if organised *jathas* from the British territory are to be prohibited, I should also like to know why British troops, which I may call legalised *jathas* from British territory, should be sent to the rescue of a prince who may be guilty of maladministration. Let us be clear on this point. If Government prevent *jathas*, let them also desist from sending troops on behalf of an Indian State. Sometimes these troops have been sent in spite of the wishes of the ruler concerned. I am divulging no secret; but may I refer to the latest instance when British Indian troops were sent to Alwar, and, may I ask, whether that was done with the consent of the Maharaja of Alwar? I asked a question of the Government of India, and the reply was that the Government did not consult the wishes of the ruler and, in fact, they sent the troops in spite of his protest. If my information is correct, the Maharaja was telegraphically asked not to fire a shot in suppression of rebellion lest he might light a conflagration in the whole of the Punjab. What is the situation created under those circumstances?

Mr. F. E. James (Madras: European): Who sent the telegram?

The Honourable Sir Brojendra Mitter (Law Member): I rise to a point of order, Sir: is it permissible to discuss the internal affairs of an Indian State or the action which the Indian Government might have taken in any particular State?

Mr. N. M. Joshi: Withdraw the Bill, then.

Mr. President (The Honourable Sir Shanmukham Chetty). The Honourable Member is not discussing the internal administration of Alwar. He is discussing the circumstances under which the Government of India sent Indian troops. (Opposition Cheers.)

The Honourable Sir Brojendra Mitter: I am not questioning your ruling. It was just now mentioned that the Government of India had sent some telegram to Alwar, and so on. Do not these affairs involve the relations between the Government of India and an Indian State and are we entitled to discuss these matters here?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair will wait and see how the Honourable Member develops his point.

Mr. Gaya Prasad Singh: My Honourable friend, the Law Member, was a little bit premature in standing on his legs to raise this point. I was merely referring to one incident to show that the Indian Government had sent troops to an Indian State in spite of the protests of the head of the State concerned; and I think I may ask the Political Department to give a contradiction to this statement which I am making. Has it not a bearing upon the Bill which we are discussing? My only point is this: let us discuss and settle once for all this question of our relationship with the Indian States on the one side and the relationship of the Indian States subjects with the heads of their States. If the Government of India have got the right of interference in the internal affairs of Indian States, let them exercise their discretion properly; let it be quite open to the subjects of an Indian State to petition His Excellency the Viceroy or the Governor General or the Political Secretary for the redress of their legitimate grievances. If the grievances are not legitimate, if they are faked and fictitious, and so on, by all means reject those petitions. But on the ground that the Government of India have no right of interference in the internal affairs of an Indian State, they refuse to recognise those petitions at all. That is my point. Therefore, as I was submitting, if the Government of India say that in ordinary cases they have no right of interference in the internal affairs of an Indian State, let the princes be told so, and let all of us recognise this fact and leave the whole situation in the hands of the States subjects as well as their rulers. Let them settle accounts with each other without interference on the part of the Government of India. As I have said, this interference has been exercised on more than one occasion by the sending of armed troops in favour of one party. Let them desist from that. But the position of the Government of India is very obscure in this respect. They have no settled principles of action. Treaties, engagements and sanads have been entered into, no doubt, with different States; but these treaties, engagements and sanads have been supplemented by what they call usage, sufferance and political practice. This opens the door wide for interference in certain cases and non-interference in certain other cases according to individual choice. The subjects of the Indian States, therefore, do not understand their own position; and I would just like to have from my Honourable friend, the Political Secretary, a clear enunciation of their policy with regard to interference in the internal affairs of an Indian State. I was going to submit that there are many practices in Indian

States which are opposed to public policy; but they have not only been sometimes tolerated by the Government of India, but sometimes approved by their officials. I will refer to the case of what is called forced labour of *begar*. There is one state in Rajputana, called Kotah: at a Durbar held in that State

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member need not make particular reference to individual States.

Mr. Gaya Prasad Singh: I am referring to the speech of the Political Agent which is an official document on record. Can I not refer to this, that in 1923, the Kotah Durbar announced its intention of abolishing forced labour completely, but the Agent to the Governor General, in course of his speech

Mr. President (The Honourable Sir Shanmukham Chetty): That is clearly a matter relating to the internal administration of an Indian State: if Honourable Members want to exercise their power, they must do so with some discretion. It is not necessary to refer to any individual State by name when an Honourable Member wants to illustrate a point like that.

Mr. Gaya Prasad Singh: Am I entitled to quote from the speech of the Agent to the Governor General which I brought forward before this House by means of a question some years back, and which is on record? The Agent to the Governor General on that occasion, in open Durbar, with reference to the question of forced labour, made the following statement:

"It is not an institution that reduces people to the level of serfs. It is on the contrary only evidence that the right kind of relations exist between the Princes and his nobles and the raiyats. It is a service of affection rendered with spontaneity and willingness and received with kindness and benevolence"—(*most probably he was speaking with his tongue in his cheek*)—"Even in British India *begar* is not evidence of the weakness of the system of administration. In olden days supplies of fodder, fuel and so forth were freely given to touring officers as a sign of affection and gratitude (Laughter), for protection and help in time of trouble. Abuses have no doubt crept in and the system of administration has become less dependent on the personal factor, and the institution has had to be curtailed. But I for one should be very sorry if it were completely abolished even in British India, and I hope that it will long survive in the State."

Sir, this is a clear incitement for the continuance of serfdom in Indian States

Raja Bahadur G. Krishnamachariar: Does *begar* not obtain in British India?

Mr. Gaya Prasad Singh: That is just what I am saying. If the system of forced labour, except in very exceptional circumstances, exists in British India, it is a system which ought to be condemned, and this House has not hesitated in condemning that system. The point of my complaint is that actually a British official should go out of his way in inciting a particular State or States in general to continue this system of serfdom; and that is more than what passes my comprehension.

Sir, I will now bring my remarks to a close, and, in doing so, I will only briefly refer to the speech of the President of the States Peoples Conference which was held in Delhi only the other day, in which he has

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pleaded for the retention of Indian States as separate entities. Sir, I will say this that the princes of the Indian States, as has been said the other day, are the flesh of our flesh and the bone of our bones. We are really very keen on preserving their dignity and legitimate position in the body politic of this country. But they must move with the changing needs of the times. The days of autocracy are numbered. My Honourable friend, Sir Harry Haig, the other day said that the Government of India were bound to support even the autocratic ruler of an Indian State, but that, I submit, is an overstatement of the case. If we in British India possess the right of changing our form of Government, I wonder why the same measure of right should be denied to the subjects of Indian States

Raja Bahadur G. Krishnamachariar: Can you change the Government?

Mr. Gaya Prasad Singh: We are trying to change the form of the Government, some by peaceful methods, some by other methods.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I know one thing from the Honourable Member? Does he wish to change the form of Government by subversive means or by adopting subversive activities? Does my friend want to change the Government by unlawful means?

Mr. Gaya Prasad Singh: My friend, the Nominated Member from the North-West Frontier Province, has asked me a question which is entirely irrelevant to the present discussion. He must understand that we are at present engaged in changing the form of Government. Some of us who believe in the policy of peaceful methods are engaged on that, but others may not necessarily be of that opinion. But I will be more explicit if my friend wants it.

[At this stage, Major Nawab Ahmad Nawaz Khan stood up to interrupt the Honourable Member.]

Mr. Gaya Prasad Singh: Please sit down. I am going to answer your question. The Government of India "established by law", that is how our Government is defined in our criminal law. Who established the Government of India by law in this country? It was by force and fraud that the Government came to establish themselves in this country. Is it not a fact of history?

Mr. F. E. James: No, no.

Mr. N. M. Joshi: By what law?

Mr. Gaya Prasad Singh: Is it by observance of the ten Biblical commandments or by observance of the sermon on the Mount that India was acquired by the British Government? Now, Sir, if the Government has been established in this country by force and fraud, some agency might, if necessary, be required to uproot it and change its form. However, that is a point which is of rather academic and theoretic interest at the present moment. I am only concerned now with inviting my friend, the Political Secretary, or my friend, the Honourable the Home Member, to

enlighten this House with the points that have been discussed in connection with this Bill. I should also like to know at whose instance this Bill is being sponsored? I asked a question in this House the other day, but the necessary information was withheld from me and from this House

Mr. N. M. Joshi: Was there any Resolution passed by the Princes Chamber?

Mr. Gaya Prasad Singh: As my friend, Mr. Joshi, says, was there any Resolution passed by the Princes Chamber asking for a measure of this kind to be enacted for their protection

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): They do not know what is good for themselves.

Mr. Gaya Prasad Singh: Why should the Government of India go out of their way in trying to give protection to the princes if they don't need it? That is one point. The next point, as I have submitted in the earlier part of my speech, is, whether the provisions in this Bill are appropriate to give legitimate protection to the princes who claim such protection?

Then, Sir, with regard to the prevention of *jathas* as I have stated, there is much to be said in favour of the prevention of such unlawful activities in the Indian States, but I should like to know whether the present law is insufficient for the purpose, whether section 144, for instance, of the Criminal Procedure Code, which has been utilised in the past in suppressing sometimes even the legitimate activities of our national movement has not been found sufficient in suppressing *jathas* in Indian States. If at all such a provision is necessary, why should not the Government of India bring forward a self-contained Bill and place it before the House for consideration? Why should they tamper with individual sections of the Indian Penal Code, or of the Press Law in order to secure the object which the Government have in view? That is all I have to say, Sir.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I support this motion. But, before I speak on merits, I wish to point out, that I have great respect both for the press and the platform, and I fully appreciate the necessity of healthy criticism and *bona fide* comments. The share of the press of a country in the uplift of the people and the service it renders by keeping a watch on the officers of Government cannot be denied. A powerful and honest press is a real strength to a country, and the educative effect of such a press is tremendous; but if the press degenerates and comes down from the high pedestal which is its rightful place, and thus falls into the hands of men, who have come into the field with ulterior motives, then, not only the press ceases to be a source of strength, but it becomes a real menace to the healthy growth of a people. Similarly, Sir, just as honest criticism keeps the body politic conscious and healthy and makes it grow stronger from day to day, the effect of unhealthy criticism is to make it unconscious and diseased, and, as a result, poison spreads into the whole system. Such criticism retards the progress of the country, and it is in the interests of the society at large, that such press should be suppressed. I hope, therefore, I shall not be misunderstood by the press or the honest section of the press when I bring to the notice of this House that there exists in our country a section of the press, which is a disgrace not only to the

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noble profession itself, but to the country as a whole. I hope the honest section of the press will welcome my remarks and will try to co-operate with Government in their attempt to eradicate this evil, as, by that method, the rest of the body politic will be freed from poison and infection.

Sir, there are two strong grounds which have prompted me to speak on this subject. Firstly, I was a party to the passing of the 1922 Bill as I was then a Member of the Council of State

Mr. B. Das: It was certified.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: Similar sentiments were expressed by the Opposition then as are being expressed by them today. It was said that the Bill would prove a dangerous weapon in the hands of the princes and that the chances of the Indian States improving their administration will be at an end. That the Bill was passed into law in the teeth of opposition in this House is known to all Honourable Members. I have, therefore, watched with some interest the working of that measure to see if there has been any counter effect on the States. I naturally expected that either criticism of the States would come to an end, or the number of cases under that Act would be very large. But a survey of the cases under the Act will show, that there have been only three prosecutions under this Act and, barring these cases, it has remained a dead letter.—(An Honourable Member: "It proves that there is no necessity for it") (Another Honourable Member: "Whose fault?")—I am coming to that—in spite of the fact that the period for the last 12 years has been marked by strong criticism of the Indian rulers and their administrations. I am giving you the reason. The only conclusion is that the Act falls far short of the object in view and has proved to be a failure and an unwieldy weapon. Perhaps I am not stating anything new when I say that one of the features of the gutter press which has taken a prominent part in the criticism against the ruling princes is that most of these papers have got dummy editors and the real persons always keep behind the *purdah*. This is one of the reasons why this cumbersome and costly machinery of prosecution under the Act of 1922 has not been set in motion in more than a few cases. The other day I saw a cartoon in one of the vernacular papers of Delhi wherein a steam roller was depicted as having been used to kill an ant on a road. The ant might be killed unless protected by the side of a hard stone, but it would not be wise to resort to this costly method of taking the chance of killing the ants. I, therefore, hold that the Act of 1922 serves only one purpose, if at all. It gives false notoriety to hitherto unknown persons, and, therefore, cannot be regarded as a substitute for this Bill. Judging from the small number of cases under that Act, I feel tempted to compare it with the Anti-Juvenile Smoking Bill of the Punjab. I am glad that the Government have realised this weakness, and have taken courage to explore the present methods.

I have got another strong ground for venturing to record an opinion on this Bill. I am here in the fortunate position of being able to speak with some authority and personal knowledge on the subject, as I have had an opportunity of seeing things with my own eyes. I was for three years President of the State Council of an important State, and during that period I was not only in charge of the State administration, but was daily coming into contact with a particular section of the press which was a real terror to the Indian States. The position was made worse when it was

generally known that some of our topmost leaders in politics in those days had also received large sums from an Indian prince in order to render him some service outside India. I mention this simply to show the utter helplessness of the princes who are surrounded by such like-vultures, as there is no public opinion to control and condemn these exploiters. As a matter of fact, one journalist told me once, quoting this instance, that the princes had to be fleeced by some one or other agency, and so, why not by the press. I claim to have some knowledge of the methods that are employed by these people in order to squeeze money out of the princes in the name of defending the poor subjects of those States, and I assure the House that I am not at all guilty of exaggerating the facts. I am, as a matter of fact, avoiding details in order to safeguard the honour of the noble profession of the press, and Honourable Members can safely assume that things are worse in practice than I or any other Member of this House could attempt to depict.

Another reason for my intervening in this debate so early is that, during the last two days, Honourable Members have been listening to speeches of the other side and have been flooded with literature containing grounds for opposing this Bill. They will probably welcome this change as a variety. A perusal of the opinions and criticisms on this Bill would show that the opposition is chiefly based on the fact that it is alleged that there is misrule in Indian States and that the Bill will take away the only means of ventilating the grievances, and that all hopes of improvement will be at an end. The object is very laudable. But my contention is that this unbridled criticism will not help in the achievement of the object in view.

Sir, I hold no brief for the princes and I have no hesitation in confessing that there is in some States gross misrule, and instances of maladministration are also not wanting. Extravagance is also patent. Corruption in staff is probably not so great, as those people are generally satisfied with comparatively low sums. But are instances of maladministration and misrule not to be found in British India? The complicated and costly system of securing justice in our Law Courts is worse than any mischief that results from personal rule. I will, during the Budget discussion, try to quote a few cases where clear mandates of this House are being openly disregarded by our Courts. But supposing that there is maladministration in some States and people are being oppressed, the question is, will the so-called liberty of this section of the press against which we are legislating help in improving things, and will it relieve the subjects from the burden of taxation to any degree? My reply is an emphatic "No". The President of the States Peoples' Conference himself admitted this. While condemning the attacks on individual princes, he says: "To tell a man that he is a hopeless imbecile is not the way to encourage him to do better." What will happen is this. Money will flow freely to shut the mouth of this press and, instead of condemning the administrations, we will see these papers eulogising those very princes and their Ministers, and coloured photographs will be inserted to deify them and to depict them as idols of the nation; and all this at the cost of the very poor and oppressed subjects which we wish to defend. The administration needs improvement no doubt in some of our Indian States, and personal expenditure has to be cut down by princes if they wish to exist at all. But for that we should not look to this section of the press, which is prepared to certify the worst as best, and *vice versa*. The question is

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not, therefore, whether we will allow the Indian States administration to be improved or not; the question is, are we going to connive at this exploitation of the princes and their administrations by an army of blackmailers?

Sir, my experience is that they cause unnecessary harassment at first, but after their wishes have been met, they give undue praise also. What demoralising effect it must have I leave it to Honourable Members to guess. Nearly every State has to maintain a special department to deal with the subject. As the papers are all in British India, naturally this department is under a Secretary who is called the Foreign and Political Secretary. It is the duty of this officer to keep the gutter press in good humour. Regular invitations have to be issued to these blackmailers on all festive occasions, and, in spite of maladministration, we find the guests showering special praise to hide the sins of those princes. I say that this class of people, instead of offering healthy criticism, give support to the so-called misrule. I need hardly say that in most cases money spent under this head is directly in proportion to the amount of maladministration, and thus the want of this weapon to suppress them would defeat the very object Honourable Members have in view.

Such papers do exist in all parts of the country, but I would refer only to what is going on under our very nose in Delhi. May I enquire how many of us know that Delhi is the headquarters of this gang of blackmailers? The Deputy Commissioner of Delhi has mentioned this in his letter, which has been circulated to the Honourable Members. He says:

"The agitation which this legislation penalises is of the irresponsible kind, which has arisen from the desire of the producers of small newspapers to blackmail the rulers of various States. We have had in Delhi recently much experience of newspapers run on these lines which subsist merely out of the money which has been extorted from Indian States."

Their method of work is very organised. They meet regularly in one of their dens, as if they were members of an association. They exchange notes, and when any one succeeds in extorting money from a victim, he passes the information to others and the process goes on. The blackmailers belong to all communities,—Hindus, Muslims, Sikhs and Indian Christians. Although in some cases the circulation of these papers is limited, yet, they do enough mischief by publishing lies. No prince is safe and I would regard that prince as very fortunate who escapes without paying some money to them. Instead of doing good, they prove a real burden to the taxpayers in Indian States, and, as they are safe from those victims, it is up to the Government of India to deal with them in order to save the honour of the States. The other day I was given the story, by a friend, of an Indian prince, having narrowly escaped the clutches of these people, because he threatened to cancel the offer of a big donation to a University, if the paper persisted. He managed to put indirect pressure to save himself, but how many of them have these chances? I do not wish to dilate upon similar other instances and it is up to this House to face the situation squarely and assure to the princes safety from criticism in the press before they come into the Federation. The question may be asked what is there to check maladministration and improve things in Indian States? My reply is, that I know how tight the Political Secretary sits upon these States, and how, under his able stewardship and strict watch, things are improving. The General Secretary, Mr. Trivedi, of the All-India States Peoples' Conference, has very kindly sent his views to the Honourable

Members and I would refer to one charge he has brought against the Government of India. On page 3 of his memorandum, he says:

"Napolean has not shaken them yet and the mighty arm of Great Britain protects them, preserves them and perpetuates conditions of servitude which are a disgrace to our democracy."

The fact is, however, otherwise. Although we have no Napolean to shake them, we have a Glancy to guide them, help them to mend their ways and when he finds that the disease is beyond cure, he performs an operation on his patients and in that way gives real protection to the subjects of these States. This has been admitted by Mr. Trivedi on the very next page when he says:

"Not a year passes without one prince or another being deposed or deprived temporarily of his powers."

The statement adds:

"Within the last ten years about 15 princes have been either deposed or deprived of their powers on account of misrule or misconduct."

Now, I need hardly say that the charge of protecting, preserving and perpetuating conditions of servitude is not only not justified, but is falsified by the evidence supplied by Mr. Trivedi himself.

Sir, whatever might have been the conditions before, I can bear testimony to the fact that during the last 12 years that I have had anything to do with the States, I have found the Government of India sitting tight over the heads of those princes, who are either extravagant or inefficient, with the result that the administrations have shown marked improvement during the last ten years and the ideal which the Honourable Members have in view is being steadily achieved. I will, with your permission, quote one instance. In the early days of my practice, I was engaged by the accused in an Indian State in order to defend them on charge of sedition. They were seven in number. They were all in lock up and I was under the impression that the case would take long. I went to the headquarters of the State and saw the ruling prince in order to fix up a convenient time. I saw the prince and stated the object of my visit. I was surprised to learn that the case had already been disposed of, and my clients were safely in jail undergoing rigorous imprisonment for a period of three years or so. I enquired if it was not a fact that they were arrested only a week ago and had since never been brought before any Court. "Oh, it was a sensational case and I tried it myself in order to avoid fuss in Court. Here is the judgment which I have ordered to be conveyed to the accused in jail" was the reply. But what about prosecution evidence, I asked. I was told that the same was recorded by his Private Secretary who was sent to the spot for that purpose and made enquiries there, and that was enough. I need hardly say how baffled I felt at this method of doing justice. I was given a sumptuous tea afterwards, which I must confess I did not enjoy. But there was another surprise in store for me. Before I left in despair, at this perversity of trial, I was told that all but two of my clients were going to be released the next morning, as a result, of course, of the trouble I was supposed to have taken in the case. This was about 20 years ago. Last year I happened to conduct a murder case in that very State and was pleasingly surprised to find that the trial was as fair and as regular as in any Sessions Court in British India. This is how the mighty arm of Government has been improving things. I could quote several instances, but I think we should not lengthen our

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debate and I assure Honourable Members that awakening is coming among the princes themselves and the wave of Reform has affected them as well.

Sir, the Honourable the Home Member has pointed out that he would welcome any amendments to soften the sharp corners where they are found to exist in the Bill, and that is a sufficient guarantee of the *bond fides* of Government. Honest criticism will not be barred. The weapon will be used against the gutter press and the blackmailers only. I hope none of us here wishes them to thrive. We have given protection not only to the Government of India and the Provincial Administrations, but have lately extended the protection to our neighbours also. Why, then, should this be denied to the order of the ruling princes? Sir, in the words of the poet:

*"Her ke ba-khud na pasandi,
Ba-digian ma-pasand."*

"Whatever you do not like for yourself, pray do not allow that for others also."

I hope Honourable Members will present this Bill to the ruling princes as an earnest of the warm-hearted welcome which we should accord to them when their representatives come to occupy these Benches and work for the good of the country along with us, shoulder to shoulder, as they, no doubt, did during the Great War and other campaigns, and thus demonstrate India's readiness and determination to unite in order to meet the common foe. With these words, Sir, I support the motion.

Mr. B. Das: Sir, if I intervene at this early stage of the debate, I do so if thereby I can tantalize my Honourable friend, Mr. Glancy, to open his lips and to reveal to us by lifting the veil of the Political Department those dark secrets which the two defenders of the princes—my Honourable friend, Mr. Dumasia, and my Honourable friend, Captain Lal Chand,—said were known to Mr. Glancy. My Honourable friend, Mr. Glancy, can reveal the secrets of the princes and the sufferings of the States peoples which nobody else can do so thoroughly and exhaustively as he alone can do. Well, when, these two defenders of the princes, on the floor of this House, have spoken lots about the gutter press, none of them had the courage to mention or give us a list of that gutter press. My Honourable friend, Mr. Dumasia, who adorns the *Times of India*, as a sub-editor or so, defended so much the cause of the princes that I felt as if the *Times of India* and my friend, Mr. Dumasia, were writing the whole constitution backwards, upside down (*An Honourable Member*: "Inside out"). Sir, I do not know whether the letter which my friend, Mr. Dumasia, quoted from the *Times of India* had the entire support of the then Editor of the *Times of India*, but I cannot think that the *Times of India* entirely approves of the whole-hearted support which my Honourable friend gave to the princes, and when I interrupted him, he said so much in praise of the princes that I thought the very princes would blush and that their faces would be blackened by the praises showered on them. Then my Honourable friend, Captain Lal Chand, as an ex-Diwan of a State, gave us his experiences—how he was bribing the editors of the gutter press and how then the gutter press would give out long columns about the doings of the Diwan Captain Lal Chand and the prince he served.

An Honourable Member: But has he said so?

Mr. B. Das: Well, that is what I understood him to say.

Sir, coming to the motion before the House, I oppose the motion. My Honourable friend, the Home Member, pointed out that the opinions which had been received by the Secretary of the Legislative Assembly and circulated to us were divided. Somehow, although my Honourable friend, Mr. Jog, and I myself laid stress on the point that the Bill, opinions expressed, and the speeches delivered should be circulated not only to the princes, but also to the States peoples (*Mr. S. G. Jog*: "Nothing has been done of that sort"), nothing has been done of that sort. I will come to that again, but my Honourable friend, the Home Member, said that the opinions were divided. Of course, his reading of the opinions is that he has got the biggest support. As my Honourable friend, Mr. Sitaramaraju, pointed out the other day, somebody else might say that most of the opinions were on our side and were opposed to the Bill. My friend, Mr. Raju, quoted some of these. Most of them are Government officials, and some of them are also District Magistrates. I thought the district officers were rather callous fellows, but I find from their opinions that they are quite human beings and have been saying things which must have given anxious hours of thought to my Honourable friend, Mr. Glancy, because he would have to meet those points and they will be constantly referred to on the floor of this House. So I cannot understand why our suggestion was not accepted. Sir, I believe it is left to the Legislative Assembly Department to circulate the Bill and it is left to the Local Governments and to the Government of India to circularize these copies to the different Associations. Now, I know, the Indian States Peoples Association have got their head offices in Bombay. There are some branch offices in British civil stations, such as Ajmer, Rajkot, Wadhwan and other places. I do hope that when my Honourable friend, Mr. Glancy, rises to speak, he will tell us why the Political Department did not take these steps for circularization and why this Bill was not circulated to those public Associations that were situated in those stations that were under the direct administration of the Political Department; and I do hope that later on when my Honourable friend, Sir Harry Haig, rises, he will also tell us why the Bombay Government did not ask for the opinions of the Indian States Peoples Association whose head office is situated in Bombay.

Sir, I said, I am opposed to this Bill. I have nothing to take back from what I said at the introduction stage of this Bill, and I shall follow the same practice as the Honourable the Home Member followed and will not repeat any of my arguments that I used on a previous occasion. I will only use arguments that have come out afresh, particularly after reading the various opinions of the Government officials. Sir, I also suggested that the Government should take steps to ascertain the views of the ex-Political Agents,—those who have retired. Fortunately for us, my Honourable friend, Mr. Gaya Prasad Singh, quoted one of the ex-Political Agents who happens to be the Commissioner of his Division. Is not that so? You quoted Mr. Scott. Now, it would have been very interesting reading if the Political Department through the India Office had had the courage to consult those ex-Political Agents who are now drawing fat pensions which we the taxpayers of India are paying them now. Sir, I would like now to read to the House some of the opinions, very honest and good opinions, which some of the Government officials have had the courage to express. I hope the Government of India will not see their way to stop these gentlemen securing their accruing rights by stopping their promotion for expressing such honest views in an honest cause which rightly they have expressed for the cause of humanity. I should like to take my own pro-

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vince first which has already been referred to by my friend, Mr. Gaya Prasad Singh. I will refer to my own town, the District Judge of Cuttack. He says:

"My own view is that the wording 'hatred, contempt, or disaffection' is too wide. The scope of the Bill should be limited, etc."

I congratulate the Government of Bihar and Orissa for wanting to become a little bit wise and not so autocratic in the expression of their views:

"His Excellency in Council considers that the drafting of clause 5 is altogether too wide. In particular, the word 'interference' appears to be open to very wide interpretation and, therefore, to be objectionable."

Later on, they say:

"He considers that clause 6 also is open to the same criticism and goes beyond the principle enunciated by the Honourable the Home Member in the speech in which he moved that the Bill be referred to a Select Committee."

I congratulate the Bihar and Orissa Muslim Association of Patna who say that the Bill, if passed, will be injurious to the subjects and the interests of those States and will give too much protection to the States. But I do not congratulate the Bengalee Settlers' Association of Patna and the Orissa Domiciled Bengalee Association, who, like the Imperialists, when they go outside their own Province, have repeatedly supported this measure. That is natural, because the Bengalee Settlers, when they are in Bihar or in Orissa, have to live under the patronage of the Government for leaves and fishes and they must support whatever measures Government may bring forward, as was evident a few minutes ago by the speech of my Honourable friend, Captain Lal Chand. Sir, I would like to draw the attention of my Honourable friend, Mr. Glancy, to the observations of the District Judge of Ajmer-Merwara.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. N. M. Joshi, one of the Panel of Chairmen.] (Applause.)

This is what he says:

"But I also strongly feel that the States, as they are constituted at present with—in some cases—very crude and weak administrations, and with no means internally for a free expression of opinion—require the healthy check of fair and fearless criticism from the press and platform of British India to keep them going right."

I do hope that this gentleman is still the Additional District and Sessions Judge at Ajmer-Merwara and that no ukase has been issued from the Political Department saying that the gentleman has contravened the purpose of the Political Secretary. Sir, I am happy to see you in the Chair this moment, because, in all these opinions that we have received, the Bombay Presidency has come out gloriously. There the district officers have got an amount of freedom and spirit which I find lacking in the Government of India and elsewhere. Sir, I would quote the opinion of one or two District Magistrates, because it gladdens the heart of one to read such independent views of the District Administrators. The District Magistrate of Ahmednagar says:

"I am of opinion that if the Federation is to be a reality, there should not be any necessity of further protection for the Indian States, in fact the necessity on account of the forthcoming Federation should be less."

I would also quote the District Magistrate of Poona. He says:

"I should also suggest that the foundation of our support to the Bill should be clearly based on the fact that the administration of the Native State is an internal part of our Government machinery in India rather than on the very doubtful issue of reciprocity which has received a portion of criticism it deserved."

This challenges the very fundamental principle on which my Honourable friend, Sir Harry Haig, has introduced this Bill. Then, Sir, this is what the District Magistrate of Ratnagiri says:

"In these circumstances, it will now have to be passed somehow or other with a saving clause to the effect that States, which do not deserve its protection on account of their *notorious foulness*, will not benefit by it."

Sir, I do not wish to quote other District Magistrates. But there are Government officials, including my Honourable friend, Mr. Glancy, who, when they are freed from the cares and the turmoils of their offices, would tell me a different tale when I meet them in the salon of a London hotel. But I want the Government of India to face squarely and fairly the proposition which they have brought forward. Sir, which of the princes want this measure? My Honourable friend, Mr. Gaya Prasad Singh, referred to the speech of Mr. Natarajan, which he delivered at the Delhi Conference of Indian States People. Mr. Natarajan pointed out that one of the big princes told him that he never wanted it. We want my Honourable friend, Mr. Glancy, to convince this House that the Indian princes, big or small, wanted this protection. We want to know from any Resolution of the Chamber of Princes that this was the case. At the same time, we want him to prove, if he does not care to repudiate a former Viceroy, Lord Irwin, as to what has happened to Lord Irwin's circular letter to these princes? Did they improve their administration? Did they carry out the instructions contained therein? Did the Political Department exercise any pressure on these princes to raise their standard of administration and to come up to their proper level? No, no. All that my Honourable friend said was that everything was good and everything was the best in the princes and it was only the notorious Indian agitators that were causing all the trouble. I submit that this measure affects as much the British Indian subjects as the subjects of the Indian States. This measure takes away the indirect sympathy and protection that the Indian States people get in the shape of criticism and agitation in the Indian press and on the Indian platform by the British Indian subjects. But today my Honourable friend, Sir Harry Haig, may congratulate himself on having forced more repressive and more oppressive weapons on India than any other Home Member that preceded him did. After having so many old weapons in his armoury, the Honourable the Home Member has come forward with this new weapon in the guise of suppressing a few blackmailing papers whose names are unknown to us and must be unknown even to the Honourable the Home Member until he gets a slip of paper from my Honourable friend, Mr. Glancy. We are surprised to be asked to agree to the proposition that the whole of the Indian press should be suppressed. I suppose my Honourable friend, Captain Lal Chand, was a nominated Member of the Council of State in 1922 and not an elected Member.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: Yes, I was a nominated Member then, as I am here, now

Mr. B. Das: So when my Honourable friend was the Honourable Captain Lal Chand in the other House in 1922, the Princes Protection Bill was passed in the Council of State and, in spite of this House throwing out that measure in 1922, my Honourable friend, Captain Lal Chand, said that this House passed it. It does not redound to the credit of the elderly statesmen in the other House that they always say ditto to whatever proceeds from the Government, or, whenever a certified measure is sent to them, they always accept it with gratitude and gratefulness. So far as the two speeches made by the spokesmen of the Government are concerned, they have never pointed out that the 1922 Bill has failed. So far, the princes have only brought out three prosecutions, but this gallant advocate of the princes, my Honourable friend, Captain Lal Chand, pointed out that the existing measure was insufficient and, therefore, the present measure was necessary to give protection to these princes. Will my Honourable friend, Mr. Glancy, read out those letters which he received from the princes to show that this measure is necessary? Will he also tell us whether there is an unanimous wish? What is the plea of the Honourable the Home Member? It is that the Federation is coming. Has not the Federation been denounced by these big princes if the newspaper story is true? As was published in the newspapers a fortnight ago, many of the princes met at Delhi and they are fighting shy to come into the Federation. Why then either the Political Secretary or the Honourable the Home Member is so anxious to give a new inducement to these princes to come into the Federation? Who wants them to come into the Federation? I do not want the Federation.

The Honourable Sir Harry Haig: I made it perfectly clear in my speech that this measure was put forward on its merits and to meet the existing conditions.

Mr. B. Das: Thank you. Now, we are hearing a new explanation!

The Honourable Sir Harry Haig: Nothing new. If the Honourable Member had listened to my speech, I said it very plainly.

Mr. B. Das: In the Statement of Objects and Reasons, my Honourable friend, the Home Member drew attention to the impending Federation. Those Honourable Members who attended the Round Table Conference and the Joint Parliamentary Committee are not present here, but I do not think even those elderly statesmen were enamoured of the Federation in which the Indian princes will have a full voice and the Indian people will have no say. My Honourable friend, the Raja Bahadur, the other day, was very eloquent when he was talking about paramountcy, suzerainty and the rights of these exalted princes and their Exalted Highnesses. I must pay a compliment to the Raja Bahadur. He is an eminent constitutionalist and a great jurist, and being a lawyer and an advocate, he can play upon words and he can make black into white and white into black as is the practice of every advocate in this country. But I, as a layman, occasionally read the sanads which are now spoken of as treaties conferred by Captains and ordinary officers of the East India Company and these have become now treaties with His Majesty the King Emperor! I was particularly looking into some of the sanads granted to the Orissa States which are 26 in number on the borderland of Orissa, and this morning, when my Honourable friend, Mr. Dumasia, was speaking, he let fall an observation that I was ignorant of the administration of the Indian States.

Mr. N. M. Dumasia: No, you are an expert.

Mr. B. Das: I do not pose to be an expert. I am and I pose to be a humble spokesman of the nation, I never speak for any section of the people, I speak out what is vibrating in the very soul of the nation. (Hear, hear.)

Raja Bahadur G. Krishnamachariar: As if I do not represent the nation.

Mr. B. Das: My Honourable friend, the Raja Bahadur, being pre-occupied in his professional career elsewhere and in an exalted Indian State, may have no time to feel the pulse of the nation, but we, that are giving our life-blood for the nation, we feel the anguish of the whole nation. I am a fellow-sufferer in British India and I feel for my fellow sufferers in the Indian States and that is my humble submission to my Honourable friend, Mr. Raju, when the other day he referred to me that I was the tail-end of the Congress. Having suffered from the numerous and the numberless Ordinances and measures that the Honourable the Home Member had brought forward, I, Sir, though the Indian National Congress is not present here, I am only the tail-end of the Congress and I feel the more for the sufferings of those countless millions, the dumb millions of people of the Indian States. I had the pleasure and the privilege to attend the Delhi Indian States People Conference. I heard several speakers, each one of them styling himself as a serf of the serf. Sir, here we say that we are ruled by a bureaucracy, but we never say that we are the slaves of my Honourable friends, Mr. Glancy or Sir Harry Haig. But it is very humiliating to hear speaker after speaker at the Conference saying "we are serfs of the serfs, we have no right of speech, we have no right of redress of grievances". Now, I will come to my Honourable friend, the Raja Bahadur, and I will quote for his information one or two passages from these treaties or sanads with regard to the Orissa States. They were merely glorified zamindars until the end of the last century. The policy with regard to these Indian States is decided in the secret archives of the Honourable the Political Secretary in that red-coated house in Simla, I do not know what is the Department like here in Delhi, because I never visited the office of my Honourable friend I maintain that the whole policy is hatched in his Department. I cannot understand why these glorified zamindars, who are tributary chiefs, should be raised to the paramount status and why there should be no interference with them. What do these sanads say? This is a sanad with the feudatory chief of Serai Khela State, it was formerly in Orissa, and now it is in Chota Nagpur, and this sanad says:

"You shall conform in all matters concerning the preservation of law and order and the administration of justice generally within the limit of your State subject to the instructions issued from time to time for your guidance by His Honour the Lieutenant Governor of Bengal."

Mark that the instructions are to be issued from time to time "for your guidance" by British administrators. Then:

"You will appoint such officers and pay them such emoluments as, on full consideration of the circumstances and such representations as you may wish to make, may from time to time appear necessary to His Honour the Lieutenant Governor of Bengal for the proper hearing of cases and administration of justice in your State."

It will be also competent to you to nominate for appointment by His Honour as Honorary Magistrates or Munsifs such other persons as you may wish to be so appointed from time to time."

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Then the fifth is this:

"You shall administer justice fairly and impartially to all alike."

The sixth says:

"You shall recognise and maintain the rights of all your people and you shall on no account oppress them or suffer them to be in any way oppressed."

I hope my Honourable friend, the Raja Bahadur, has listened carefully to all this.

Raja Bahadur G. Krishnamachariar: That is only a sanad which contains instructions; it is not a treaty at all.

Mr. B. Das: I am not concerned with the plutocrats, the five big princes: I am concerned with six hundred small States and their people who receive such sanads and such treaties. I have not read the treaties with Hyderabad, Mysore or Baroda, and I do not know whether they were asked to administer justice. My Honourable friend, Mr. Glancy, when he rises to speak, may say whether they were so asked and whether the small States were not asked to administer justice and whether the Lieutenant Governor of Bengal, as he then was, did not compel through his Divisional Commissioners and District Magistrates these Indian Rajas to administer justice? And now these portfolios and offices of Political Agents have been created. Do the Political Agents look into the clauses of these sanads and treaties; and do they see that in every case the Raja or Maharaja or Exalted Highness or Holiness strictly adheres to the terms of these sanads and treaties? And today we hear spokesmen like Mr. Dumasia, half of whose constituency consists of Indian States people, people who settle in Bombay and make their millions there and take them back to the States. Today my Honourable friend, Mr. Dumasia, spoke in a tone as if all these people in Bombay were conspirators.

Mr. N. M. Dumasia: Where did I say that? I challenge that statement.

Mr. B. Das: My friend conveyed that idea.

Mr. N. M. Dumasia: It is unfortunate if my friend did not understand me.

Mr. B. Das: My friend's speech conveyed this idea that the Indian States people, who gathered at a Conference in Bombay, were all outsiders and not States people. Thereby, my friend laid a charge not only against Indian States people that are naturalised in British India, but he laid a serious charge on myself that I, a British Indian, was conspiring against the petty princelings. I am not concerned here with what happens to the States, but I, who partly pay the salary of my friend, the Political Secretary, I, who have maintained for 150 years this spectacular Political Department and this system of autocratic political administration, I have a right to ask my Honourable friend, Mr. Glancy, whether he and his Department are administering to the letter these treaties and *sanads*. As my Honourable friend, Mr. Raju, said, the people of the Indian States are the flesh of my flesh and the blood of my blood, my own

relations, who live partly in the States and partly in British India, and do they get British justice? Sir, these Members of the Treasury Benches at present, *minus* the Honourable the Law Member, represent a democratic nation, and even I who have lost all faith in them have some faith in the administration of British justice. I challenge my Honourable friend, the Political Secretary, to say that there is administration of justice in the States. I do not know where to draw the line. We have received a series of representations and petitions which were all presented to my Honourable friend, the Political Secretary, from time to time, but my friend, Mr. Glancy, simply glances at them and throws them away. (Laughter.) Today my Honourable friend may be in an exalted position, but some day my Honourable friend and the whole crowd of Political Agents and Political Secretaries will have to answer on the Day of Judgment elsewhere, and then they cannot take shelter behind the Civil Service Regulations and the laws that the Secretary of State has made. They will have to reply to the divine laws. "When you are the overlord of these princes, when all these princes are waiting in your ante-room dancing attendance on you, do you administer justice to the 80 millions of people in the Indian States?" Sir, the Honourable the President has ruled that we are not to refer to particular States. I do not wish to refer to particular States, but I have got many books here. I have got here "The Indictment of Patiala" and I have got a big book by Mr. Chudgar narrating the distress of the Indian States people. We have received a series of complaints and petitions and my Honourable friend, Mr. Glancy, has also received them, and has probably thrown them into his waste-paper basket. A certain Maharaja forcibly took away the wife of a subject, and when the Political Agent was asked to intervene, that Political Agent wrote:

"For your wife you will have to accept Rs. 20,000 from the Maharaja, and you will have no claim on your wife."

Where is British justice now? These British people have got one marked characteristic, and that is that they respect womanhood. Wherever the Viceroy goes, the Vicereine gets equal status with the Viceroy; wherever the District Magistrate goes, his wife receives almost the same respect. Britishers respect womanhood and here we find a British Political Agent writing this to a poor subject of an Indian State offering him Rs. 20,000 for his wife. |

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): The prince was liberal.

Mr. B. Das: My friend, Mr. Jadhav, says that the prince was liberal, so that there are princes who offer much less in these cases. I know, Sir, in many States wives and daughters are not safe. If we make reference to these things, we come under the provisions of this Bill. If a newspaper publishes it, that particular statement may be hauled up, but, Sir, we are human beings. I myself am the editor of a paper and I may comment on the contemptible latitude given to this particular prince. Then, what would happen? The District Magistrate will haul me up or ask me to pay Rs. 10,000 as security. That is the provision of this Bill. Sir, the Roman Empire was lost through Imperialism. I ask my Honourable friends, Mr. Glancy and the Home Member, to pause and see whether Imperialism is not running riot through this Bill, and whether the little respect that we have for British justice will not pass away for ever if this

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Bill is passed, and if my Honourable friend, the Home Member, wants a new weapon to suppress the liberties of the Indian Press, he could have come openly to us; but why come under the guise that you are protecting the princes? That very question has re-opened the whole issue which my Honourable friend, Mr. Glancy, for the last four months has been cogitating: I am waiting to hear his speech—I hope he will speak this evening or the day after tomorrow

The Honourable Sir Harry Haig: When the Honourable Member sits down.

Mr. B. Das: I shall then cut my speech short. It is such an honour to hear the Political Secretary who comes from a family, 4 P.M. members of which have contributed their lives to the administration of Indian States, and who, if we are to judge by the Kashmir report, as published in the Press, gave us the hope that here we have a man who tried to assess things in their proper perspective. I do hope that my Honourable friend will not take shelter under rules and procedure when he speaks. Let him think that this House has met in Committee and that we are the Select Committee and let him take us into confidence and say whether the apprehensions and the serious charges we have levied against the maladministration of those States are not true or correct to a certain extent and whether this Bill—which I oppose and which my Party will, I believe, oppose and which I hope this House will throw out when it is put to vote—if it is passed into law, will not seriously affect the human liberties of British Indians in British India and whether it will not permanently enslave like Ethiopian slaves, these eighty millions of people who are the subjects of these princes.

Mr. B. J. Glancy (Political Secretary). Sir, in the course of the discussions that occurred in Simla, one Member felt called upon to draw attention to the amount of heat that had been generated during the debate. I should like to associate myself with those remarks. Different views may be held about the wisdom of this Bill, but this debate is bound to have its repercussions and it seems to me to be eminently desirable that the discussion should proceed on calm and moderate lines, so that no friction or distrust may be created and that the relations between British India and the States may not be prejudiced.

With your permission, Sir, I should like to indulge in a brief digression about the Indian States and their relations with the Government of India in so far as it appears to be relevant at all to the present Bill. But I hope I may be forgiven if I refrain from entering into statistical illustrations. There are various reasons for this: in the first place, it is difficult to give statistics without being ultimately prepared to mention individual States by name, and that, in accordance with the example set by the Honourable the Home Member and followed by many others, I propose to avoid. Secondly, the House will realise that when it comes to giving the proportion of Indian States which enjoy the benefits of such things as higher institutions, it is really impracticable to present a true picture, because there are very many states, so small and with such limited resources, that it is impossible to expect them to compete with British India in the matter of elaborate machinery. And, thirdly, statistics in themselves are absolutely misleading: it might be difficult, for instance, to attain unanimous agreement as

to those particular higher institutions which deserve to be classed as such and those which do not.

As the Honourable the Home Member has stated, there are various forms of government in Indian States. The Government of India do not dictate to Indian States what particular form of administration they should adopt. This will be plain, for instance, from the speech delivered by Lord Minto in 1909, an extract from which has been quoted by my Honourable friend, Mr. Jog. Broadly speaking, the Government of an Indian State is more elastic, more intimate and more paternal than that prevailing in British India. And there are many that prefer a paternal form of government to any other. (*An Honourable Member*: "Question".) It may be true that there are certain features about Indian States to which British Indian subjects might take exception; but it is also true that there are certain features about British Indian rule which might not be altogether acceptable to the subject of an Indian State. To take one example, only a small proportion of Indian States enjoy the benefits of an income-tax regulation, and, however astonishing it may be to us in British India who have learnt to welcome and look forward to the attentions of the income-tax collector, it is, I think, doubtful how far those who are unused to the blessings of that system would be gratified by its application to themselves

Mr. B. V. Jadhav: During recent years many Indian States are levying income-tax.

Mr. B. J. Glancy: Sometimes it has been suggested that the subject of an Indian State has no defined rights of any kind. This is very far from being the case. In practically every Indian State of any importance, there is a land revenue system modelled on British Indian lines. Regular settlements have been conducted and have been carried out in very many cases by experts borrowed from British India and the rights of proprietors and tenants have been properly provided for.

[At this stage, Mr. President (The Honourable Sir Shammukham Chetty) resumed the Chair.]

It would not be difficult to point to various Indian States where the *mataza* enjoys a revenue assessment more lenient and more favourable than he could normally hope for in British India

Mr. B. V. Jadhav: That is not a fact: land revenue assessment in Indian States is much higher than land revenue assessment in British villages in neighbouring districts.

An Honourable Member: You did not hear what he said.

Mr. B. J. Glancy: Similarly it would not be difficult to instance many Indian States which can hold their own and sometimes do more than hold their own with British India in the matter of public institutions, such as hospitals, colleges, schools, public roads and in such matters as free educational facilities. In every State in India of which I am aware, the laws are closely based on the laws prevailing in British India.

There has been a distinct response to the appeal made by Lord Irwin to the Chamber of Princes. And, taken as a whole, it may safely be said

[Mr. B. J. Glancy.]

that the Indian States are definitely advancing as regards the efficiency of their administration. Several of them have established effective High Courts, several have separated the judicial from the executive, and though very many rulers may prefer to govern on traditional lines, there are several who have imitated British India in the matter of closely associating their subjects with the Government of the State. It is not correct that the subject of an Indian State, unless he resorts to outside propaganda, has no means of bringing his grievances to notice, but in Indian States, as in British India and elsewhere, the man who has a grievance must remember that in the first instance he should bring his complaint to the notice of the authorities directly concerned. I think it is only natural and certainly it is true that in a State governed on paternal lines the subject has the advantage of being able to bring his complaint personally to the notice of the highest authority more readily than he can hope to do in British India.

As regards the function of the Government of India various Honourable Members have expressed widely divergent views as to what the practice of the Government of India ought to be. I do not propose to argue about what the practice ought to be, but I shall merely content myself by saying in a few words what the accepted position actually is. The position is that where serious misgovernment prevails in an Indian State, the Government of India do regard themselves as under an obligation to intervene. That has been made plain in many pronouncements, and I hope I am betraying no secret when I say that ordinarily, where intervention becomes necessary, it takes the form in the first instance of advice and persuasion. If that advice is heeded, the public, unless somebody is indiscreet, hears nothing further of what has occurred. It is only when the advice passes unnoticed that recourse is had to more extreme measures. The Government of India are fully alive to their responsibilities and do their best to fulfil them.

It would be idle to deny that from time to time many Indian States have fallen sadly short of the ideal and have rendered intervention necessary, but, as several Honourable Members have pointed out, it would be grossly unfair to generalise from that and to condemn all States alike. I should like to take this opportunity of saying that, in a well conducted Indian State, where the ruler takes a close personal interest in the welfare of his subjects,—and there are very many such States, both great and small,—the people, so far as I have been able to observe, are every whit as happy as they are in British India, or, as far as my limited experience goes, anywhere in the world. A good Indian ruler excites in the minds of his subjects a degree of affection and devotion which it is difficult sometimes for a Westerner to realise, and it seems to me that in these times, when many changes are passing over the face of India and many re-adjustments have to be made, it is worth while thinking very seriously, before one proceeds to weaken or uproot any such nucleus around which the seeds of loyalty and patriotism will naturally collect.

The people in Indian States are by no means voiceless as regards newspapers published in State territories. According to the latest return that I have received, there are 412 private periodicals appearing in Indian States.

Now, Sir, as regards the Bill that is before the House, it may roughly be divided for practical purposes into two main portions . . .

Mr. B. V. Jadhav: Are the State Gazettes included in the number of those periodicals?

Mr. B. J. Glancy: No, I said private periodicals.

The Bill, that is now before the House, may for practical purposes roughly be divided into two main portions, firstly, that which relates to the Press, and, secondly, that which deals with organizations outside the Press, such for instance, as *jathas*.

As regards the first portion, I should like to make it clear once again that there is no cause whatsoever for alarm to the responsible Press, whether Indian or European, to which we all look up with admiration and respect. There is no intention of stifling legitimate criticism. I quite realise the force of the remarks made by my Honourable friend, Sir Cowasji Jehangir, and I hope his point will be met successfully when the Bill comes to Select Committee.

With the less responsible and more sensational section of the Press, the case is different. I have been studying the results of the circulation of this Bill, and as far as I can gather, there is one outstanding argument adduced against the passage of this Bill, and that is the contention that somehow or other newspapers of every description assist Government in fulfilling its function and so protect the subjects of Indian States. It appears to me to be very doubtful how far this contention can be justified.

I should like to take an instance, if I may, of a certain State which has attained a very undesirable degree of prominence during the last year or two, and in the case of which the Government of India actually did have to intervene. It is perfectly true that many newspapers did clamour for intervention, but it is also true that a considerable number bitterly opposed any action in this direction. Some of these newspapers ascribed fantastic motives to Government, but the general tendency was to suggest that any intervention would be the result of misrepresentations manufactured by one particular community on whose intentions doubts were thrown, that is to say, the arguments were based on communal grounds. Nor were those papers which did preach the gospel of intervention by any means free from this failing themselves. In the main they tended to lay all possible weight on communal grievances and to ascribe only a very subordinate position to those economic factors which were actually the outstanding source of trouble to the people of the State, irrespective of the community to which they belonged. So it is difficult to maintain in this case that the irresponsible Press rendered any very material service to Government or to the State or to the State people.

It would not be difficult to quote cases in which the irresponsible Press has rendered a positive disservice to the subjects of an Indian State. Cases have occurred in various States where the demand for a certain concession was proceeding on constitutional and legitimate lines and the concession was on the point of being granted by the Government of the State, but unfortunately outside agencies and various newspapers, for their own purposes, chose to enter the arena, and the demand, instead of continuing on constitutional lines, became accompanied by threats

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and abuse such as no Government can be expected to relish. The result has been that the State people were left waiting for the fulfilment of their aspirations.

- Cases occur from time to time in Indian States when it is necessary to introduce some general reform in the interests of the people at large. It is quite possible that such reforms may cut across and conflict with the interests of former privilege holders. There is a saying that it is impossible to make an omelette without breaking eggs. What action does one of these privilege holders take? Very often he hurries along to the editor of an irresponsible newspaper and makes a complaint against the State. Does the editor take the trouble to inquire into the rights and wrongs of the case? One might as well expect a cat to examine the trade mark on a tin of cream! (Laughter.) The result is a series of very indignant articles in which the State is represented as a tyrant and the privilege holder as a martyr, but the ordinary poor subject of the State is left out of the picture altogether. The editors of irresponsible papers are not always interested in whether the State subject can afford to feed himself; what really matters is whether he can afford to feed the editor (Laughter.)

I should like to give an illustration of rather a different kind. There are certain territories in Indian States reaching up into the mountains, places that have been compared and justly compared in many respects to Switzerland. As in the case of Switzerland, there are many different classes of State subjects in these places who depend for their livelihood on the flow of visitors for whose needs they cater. Certain newspapers have made a habit of magnifying out of all proportion to the truth any occurrences in the way of disorders or disturbances that may occur in these places. The result is naturally a decrease in the flow of visitors and an increasing difficulty in making one's livelihood. For every anna and for every rupee that the editors of irresponsible newspapers put into their pockets in the course of this campaign they make the subjects of the State pay and pay very dearly.

It appears to me to be very doubtful how far the irresponsible and sensational Press is really successful in championing the cause of State subjects. I do not know of any case in which the Government have intervened in the affairs of a State as the result of a campaign in the Press. There are, of course, many cases in which the Press have advocated intervention and the Government have actually intervened, but there is nothing surprising in that. It is no more astonishing than that a weather prophet, if he forecasts rain on every day of the year, will sometimes make his prophecy correctly. The irresponsible Press, of course, are not slow in claiming for themselves the full benefit and the full credit for any action that Government or a State may take. But this is largely a business proposition, and in this respect the editors of sensational papers are not unlike quack doctors. They have a universal specific to prescribe for all ailments and that specific takes the form of advertisement through their own columns.

What I have been saying will serve, I hope, to bring out one unfortunate feature of the irresponsible Press, and that is, that the editors and

proprietors of such newspapers tend to pay more regard to their own profits than to any benefits which they may confer on others. This is an aspect of the case which has been touched upon by my Honourable friend, Mr. Ranga Iyer, and others who have followed him, and I do not think that I need say very much more about it. Every one will have noticed, for instance, that a certain type of newspapers will make a point of running a violent campaign against a particular State. Day after day, week after week, these attacks go on and then suddenly for no very apparent reason they fade away into silence and calm prevails. Not very long ago, I asked the proprietor of a certain newspaper to explain a phenomenon of that nature. He thought for some time and then he said very wisely that he believed the material supplied to him must have changed. (Laughter.) By which he meant, I suppose, that the material derived from his correspondence had been replaced by a more valuable and more tangible form of material extracted from the party that he had been maligning. I saw a month or two ago, soon after this Bill had been introduced, an article in a certain newspaper which deprecated this proposed legislation on the ground, to use the words of the article, that if the Bill were passed, it would be "at the cost of the press". So far as the piratical section of the Press is concerned, that remark is a frank and ingenuous statement of the truth. (Laughter.) Some peoples' pockets will no doubt be touched, but in these days of almost universal depression, there are worse things to weep over than the disappearance of this unearned and undesuable form of increment. The truth is that India can no longer afford to support this particular form of piracy. The price to be paid is too high. The price involves the peace of India.

That brings me to what in my humble opinion is by far the most serious and distressing feature of the irresponsible Press in its relation to States, and that is that these papers always tend or nearly always tend to impart a communal tinge to all State controversies. I have already referred to this aspect before with reference to a particular State, but I hope I may be pardoned if I revert to it now, because I think it is hardly possible for me to exaggerate the evil that this sort of thing does to the country or the menace that it holds out to any hope of a united India. It is an all too common an occurrence that when trouble arises or is alleged to arise in an Indian State, the sensational Press at once gets busy on communal lines. The papers revile each other freely and unmercifully: they drag every hallowed name in the mire; and they blackguard the State and its administration. Every action that the State authorities adopt is condemned by one set of newspapers as an act of tyranny levelled at community A and by another set of newspapers as a pitiable exhibition of weakness designed to betray the interests of community B. No stone is left unturned in order to embarrass the State administration and fan the flame of communal hatred. Not very long ago, I had the somewhat doubtful privilege of serving in a State where communal feeling ran high. It was not a pleasant position and what sometimes drove one to despair was the attitude of these sensational papers, always sounding the communal battlecry and always distorting the facts for their own purposes. I remember getting a kind and polite letter from the editor of a certain newspaper in which he was good enough to congratulate me on the appointment that I held. What precise cause there was for congratulations was perhaps obscure, but anyhow I wrote back and thanked him for his letter and I expressed the

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hope that he would refrain from making communal feelings more bitter by reproducing in his newspaper inaccurate statements. I offered that if he would be good enough to consult me, I would do my best to try and verify any information that he might receive. That offer met with no response. The paper continued on its usual course and protests made through various channels had no effect. The fact is that papers of this description have very little use for accurate information. They conceive that they are catering for strong tastes and they supply strong meat in consequence. Whether the meat which they supply is poisoned or adulterated is no concern of theirs.

Another rather sinister manifestation of this particular feature is this that when one set of newspapers starts on its campaign against a particular State, another collection of newspapers immediately threaten counter-attacks on different States. These counter-attacks are not to be indulged in not for any very obviously justifiable reason, but merely because the rulers of the States threatened with counter-attack happen to belong to a community different from that of the ruler against whom the original campaign was launched. These counter-attacks are to be made with some ill-conceived idea of restoring the equilibrium and equating the communal balance.

One Honourable Member has expressed the opinion that this Bill might well be deferred, because, in his opinion, it will be many years before Federation is actually introduced. I hope that his estimate is wrong and that Federation will develop before he anticipates. But, even if we suppose that his prophecy is correct, is there any one here who can say that it is too early now—today—for India to try to close her ranks and put an end to this interminable clashing of communal warfare.

Now, the second part of the Bill relates, as I have said, to organisations outside the Press culminating in such extreme forms as *jathas*. I do not think that I need say much about this, but, not very long ago, I was stationed in a place where *jathas* developed on a fairly extensive scale and perhaps I might say a few words about what actually occurred. I do not propose to say anything about the motives which inspired the *jathadars*, because, I think, if I did so, communal feeling might possibly be aroused and it might give rise to bitterness. I will just say what actually did occur. There was a collection of people who decided that they would run a *jatha* campaign against a certain State. They collected an army of sorts and marched on their objective. They certainly professed that their intentions were peaceful, but as they marched through villages belonging to another community shouting out offensive slogans as they went, the result was inevitable. The same thing would have occurred, I think, in any country of the world where the people were not entirely devoid of spirit. The result was riot and bloodshed. So far from helping the people of the State, these misguided crusaders only got them into further trouble. They distracted the State authorities in their efforts to put the situation right, and, as the direct result of these *jathas*, several valuable lives were lost. Now, Sir, this trouble would never have occurred and those lives would not have been lost if the British Indian authorities had been empowered to deal, as they should be able to deal, with the situation, that is to say, if this Bill had been passed into law. It seems to me that it is high time that effective steps were taken to put an end to this form of insensate activity, for I can conceive of no occasion on which these demonstrations can be of assistance to any one whomsoever

except possibly to those who are personally interested in organising such disturbances.

All that the Governments of the States are desiring now is fair play. In some quarters it appears to be doubted whether the legislation now proposed would be welcome to the Governments of Indian States or whether they would find the provisions of this Bill consistent with their dignity. I do not think that these doubts need be taken seriously. Nor do I see that there is anything undignified in the Governments of Indian States expecting the British Indian authorities to control the situation in British India. The Governments of the States themselves have always been ready to reciprocate. They do not allow their newspapers to embarrass the British Indian Government or to make personal attacks on British Indian ministers, nor do they permit their people to band themselves into *jathas* and advance on Simla or Delhi in order to save their British Indian brethren from the onslaughts of the income-tax collector. The existing Princes (Protection) Act has been found to be of no avail. To all intents and purposes, that piece of legislation fell still born from the Statute-book. The number of prosecutions that have been instituted might be counted on the fingers of one hand. The reasons for this, as the Honourable the Home Member has explained, are not far to seek. In the first place, the effect of a prosecution is to broadcast and advertise the very offence with which it is sought to deal, and, in the second place, the time spent in a prosecution, to say nothing of the expense, is in itself a deterring factor. In the last case, of which I have heard, the proceedings have occupied just about four years before coming to a final conclusion. I submit that no Government in the world can afford to wait for so long a period before taking effective action to clear its good name.

I said just now that the States' Governments are only asking for fair play. And by giving them fair play, surely this House will be conferring a benefit on India as a whole. Under the new Constitution, the proposal is that British India and the States should go hand in hand as partners. But, if the virus, which this Bill is intended to eradicate, is not removed from the system of India, not only will there be increasing cleavage between the individual partners, but the rift between the great communities throughout the length and breadth of India will grow wider and wider every day. It seems to me that, unless the body politic of India is prepared to subject itself to the painless and minor operation which this Bill involves, it will have to face a long and serious illness in the very near future.

Sardar Harbans Singh Brar (East Punjab Sikh): Mr. President, when this Bill was before the House on the last occasion, I had just begun my speech and begun to develop the argument of the responsibility of paramountcy when the Home Member announced the acceptance of the circulation motion and my speech was cut short. I was at that time just beginning to argue that this Bill was superfluous and that paramountcy had two sides in dealing with Indian States. In the one case, it has certain rights, privileges and prerogatives, and, in the other, it has certain obligations to discharge. The paramount power has, in pursuance of the treaties it made with certain princes and the *sanads* granted to others and by the so-called usage, custom, and so on, taken upon itself the responsibility of protecting the States from aggression from without as well as from internal

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commotion in return for the States agreeing to come under the suzerainty of His Majesty the King-Emperor of India. And agreeing also to forgo the right of dealing with foreign powers and princes and further to curtail their own rights even regarding some of their internal affairs like the maintenance of the armies whereby the paramountcy extended its sphere of suzerainty and power and prestige and in return thereof promised protection. These powers, privileges and prerogatives are exercised by the Paramount Power on its own motion. That is one side of it with which the Indian Legislature has nothing whatever to do. We are precluded, Mr. President, even from asking questions of the type of "how many princes are for the introduction of this measure", or how many people protested against the introduction of it. Even such questions, according to the rules framed by the representatives of the Paramount Power in British India, we are precluded from asking in this Legislature; and, if that be so, is it not only fair and just but proper that, as far as we are concerned, that branch of the Paramount Power which exercises the rights, the prerogatives and the privileges of paramountcy should alone take the responsibility of providing this protection to the administrations of the Indian States, and not ask us to share with them in such actions by way of discharging their obligations, when we have not the least share in the enjoyment and the exercise of those rights and privileges which are associated with such obligations? Sir, it is quite open to that branch of the Paramount Power which exercises these rights and prerogatives to provide, either by legislation on its own motion through the Imperial Parliament, or by resorting to the more expedient method of promulgating what we are by now quite well accustomed to welcoming, I mean the Ordinances, and thereby keep both the obligations and the rights and prerogatives to be dealt with by one and the same side of the administration and not leave the obligations alone to be performed by the representatives of the British Indian subjects. It is, Mr. President, quite open and plain to us that the paramountcy is for ever paramount, and that the suzerainty is unchallenged. It has been so stated more than once in plain language by more than one Viceroy of India and it would have been quite proper and appropriate to meet an emergency of the kind, such as is before the Government, had they, on their own motion, either promulgated an Ordinance or provided the protection by some other method and not brought us into the picture, when we are so much debarred from officially either knowing or having information about the Administrations or their subjects, which Administrations we are asked here now to protect. Unless we are entitled and unless we have the resources of knowing officially the facts and the conditions prevalent in those areas which are in need of protection or are asking for it, we are incapable to do anything and we are without the material which would show the need for such protection

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member may resume his speech when the Bill comes up for consideration the next time. The House stands adjourned till tomorrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th February, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 6th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

PURCHASE BY THE RAILWAY BOARD OF CAST IRON OR STEEL SLEEPERS FOR RAILWAYS.

89 ***Mr. G. Morgan** (on behalf of Mr. C. C. Biswas): (a) With reference to the answer given on the 27th November, 1933, to unstarred question No. 231 (b), is it a fact that the circular of the Railway Board referred to therein stated that because the Board was anxious to use the pig iron they had purchased, the Railways were not to enter into further commitments for wooden sleepers unless it could be shown that C. I. sleepers were unsuitable?

(b) Will Government be pleased to lay a copy of the circular on the table?

Mr. P. R. Rau: (a) Yes.

(b) No. It is purely departmental in character.

Mr. G. Morgan: With regard to reply to part (b), will the Honourable Member kindly explain what he means by saying that it is purely departmental in character?

Mr. P. R. Rau: These were instructions issued to Railway Administrations by the Railway Board and ordinarily Government consider that such instructions should be treated as confidential, but, in any case, my Honourable friend seems to have got complete information about the circular letter in question.

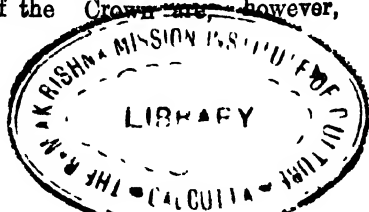
APPLICABILITY OF DIFFERENT LAWS FOR THE TRIALS OF BRITISH INDIAN SUBJECTS AND FOREIGNERS IN INDIAN STATES.

90. ***Mr. S. C. Mitra:** (a) Is it a fact that British Indian subjects, who may temporarily go to any Indian State territory, when tried for any offence are governed by the laws of that particular State?

(b) Is it a fact that if any foreigner, for example, a Frenchman or a German, commits any offence in any Indian State, he is not tried under the laws of that State, but is specially protected and tried according to British Indian law?

(c) Will Government please explain why there is this difference in treatment as regards a British Indian subject and a foreigner?

Mr. B. J. Glancy: (a) Yes, subject to the exercise, by Political Officers, of the right of intervention. Servants of the Crown are, however, amenable to British Indian jurisdiction.



(b) Yes, except that where the criminality is slight jurisdiction would ordinarily be left with the Indian States the Political Officer retaining the right of intervention.

(c) The difference in treatment of foreigners is due to the international obligations of the British Government as Paramount Power, the Indian States themselves having no international status.

USE OF THE BUILDINGS OF THE OLD CAWNPORE RAILWAY STATION.

91. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether it is a fact that:

(i) except for a portion of the building being used as offices for various railway subordinates the entire building of the abandoned Cawnpore Junction is lying vacant for the past three years;

(ii) there are many other Railway buildings and quarters in Cawnpore area lying similarly vacant?

(b) If the answer to part (a) be in the affirmative, do Government propose to consider the feasibility of putting these buildings to some use?

Mr. P. R. Rau: Sir, with your permission, I propose to reply to questions Nos 91—95 together. Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

PROVISION OF STREET LIGHTS NEAR RAILWAY QUARTERS IN CAWNPORE.

†92. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether it is a fact that:

(i) street lights are not provided in 89 clerical and 200 menial quarters in Goods Marshalling Yard, Cawnpore, and that these quarters remain enveloped in darkness during the night;

(ii) these quarters are situated outside the city limits of Cawnpore, and many cases of thefts have occurred there;

(iii) the Railway staff residing in these quarters have made several representations to Railway authorities for the provision of street lights, without any effect; and

(iv) street lights have been provided in some quarters at Goods Marshalling Yard?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reason for this (i) failure, and (ii) discrimination?

(c) Will Government be pleased to state what steps are being taken to remove this grievance?

PROVISION OF A SCHOOL NEAR THE INDIAN RAILWAY COLONY AT THE GOODS MARSHALLING YARD, CAWNPORE.

†93. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether:

(i) they are aware that there is no children's school in the close vicinity of Indian Railway colony at the Goods Marshalling Yard, Cawnpore, to which children of Railway staff could with safety go;

†For answer to this question, see answer to question No. 91.

- (ii) it is a fact that the staff residing in these quarters have made repeated representations to Railway authorities for the provision of facilities for a children's school at the Goods Marshalling Yard or for the provision of motor bus service from the quarters to the schools in the city?

(b) If the reply to part (a) be in the affirmative, are Government prepared to look specially into this matter and provide the staff with the necessary facilities?

PROVISION OF FACILITIES FOR THE RECREATION AND EXERCISE OF THE RAILWAY STAFF AT CAWNPORE.

†94. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether it is a fact that:

- (i) there is no East Indian Railway Indian Institute at the Goods Marshalling Yard, Cawnpore;
- (ii) the nearest East Indian Railway Institute is at Cawnpore Central at a distance of over two and a half miles from the Goods Marshalling Yard;
- (iii) the Great Indian Peninsula Railway Institute at Juhi is not a joint one, and the East Indian Railway staff joining it are debarred from most important offices and other privileges;
- (iv) the staff serving at the Goods Marshalling Yard had represented these difficulties and asked for an Indian Institute at the Goods Marshalling Yard?

(b) If so, will Government be pleased to state what steps are being taken to provide the staff with necessary facilities for their recreation and exercise?

INSANITARY DRAINS NEAR RAILWAY QUARTERS IN THE GOODS MARSHALLING YARD, CAWNPORE.

†95. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether it is a fact that the drains serving the 90 clerical and 200 menial quarters empty into a pit close to the clerical quarters at the Goods Marshalling Yard, Cawnpore, and the place breeds malarial germs?

(b) If so, will Government be pleased to state what steps are being taken to have this pit filled up?

PROMOTION OF HEAD NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

96. **Rai Bahadur Lala Brij Kishore:** (a) Will Government please state whether they are aware that:

- (i) the Railway Board, vide their letter No. 5153-E., dated the 20th May 1931, addressed to the Agents of State Railways, have provided the normal channel of promotion for a Head Number-taker to the post of a Yard Supervisor;
- (ii) on many divisions of the East Indian Railway no posts designated as "Yard Supervisor" exist and the Divisional Superintendents in such cases have decided that in their divisions the promotion of Number-takers ends with the post of Head Number-taker?

†For answer to this question, see answer to question No. 91.

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if this is in conformity with the Railway Board's policy?

Mr. P. E. Rau: The circular only gave, as an illustration, who were included in the class of outdoor clerks and what the normal channel of promotion actually was in that group. It was based on what the Railway Board understood was the general position in State-managed Railways. It was not intended to lay this down as a rule for all railway administrations to follow implicitly. The actual procedure is left by the Railway Board to the discretion of the Agents.

PROMOTION OF HEAD NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

97. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state what is the difference between the posts of Yard Supervisor, Yard Foreman, Assistant Yard Master and Yard Inspectors?

(b) Is not the nature of the duties of all the above posts very much similar and connected with yard work?

(c) If the reply to part (b) be in the affirmative, why are deserving and senior Head Number-takers, who have been recommended for their efficient working, denied promotion to the posts of Yard Foreman and Assistant Yard Masters?

(d) Are Government aware that Head Number-takers at big Yards, through the nature of their duties, get more conversant with the routine of their yard than Guards who are promoted to the posts of Assistant Yard masters?

(e) Is it a fact that facilities for proper training in the duties of an Assistant Yard Master is denied to Head Number-takers even when it is sought for and strongly recommended by men on the spot?

(f) Are Government aware that a Head Number-taker at Lucknow was promoted to the post of an Assistant Yard Master, and that similar promotion is denied to Head Number-takers on Allahabad and other Divisions of the East Indian Railway?

(g) Is it a fact that if the promotion of a Number-taker is to stop at the post of Head Number-taker, he cannot expect to rise to more than Rs. 110 p. m. in the old grade and Rs. 90 p. m. only in the new grade, and that a commercial clerk and an office clerk gets a chance to rise to Rs. 530 p. m. in the old grade and Rs. 400 in the new grade?

(h) If the answer to the preceding parts is in the affirmative, will Government be pleased to state the reason for the discrimination mentioned in parts (c), (d), (e), (f) and (g) above?

(i) Will Government be pleased to state if they propose to take any steps to provide an avenue of promotion from the post of Head Number taker on the East Indian Railway in the absence of promotion to Yard Supervisor's posts? If so, what?

(j) Will Government be pleased to state how many Head Number-takers or Head Trains Clerks on the East Indian Railway have been held up at the maximum of their grade for over five years for want of an avenue of promotion being provided for them?

Mr. P. E. Rau: Government have no information. All these relate to matters of detailed administration which have to be left to Railway Administration to settle.

YARD FOREMEN AND ASSISTANT YARD MASTERS ON THE EAST INDIAN RAILWAY.

98. *Rai Bahadur Lala Brij Kishore: Will Government be pleased to state how many posts of Yard Foreman and Assistant Yard Masters exist on the East Indian Railway and how many of them are held by Indians? What is the cause for the disproportion, if there is any?

Mr. P. R. Rau: The latest information available in this connection is to be found on pages 94—95 of Volume III of Mr. K. M. Hassan's report on the representation of Muslims and other minority communities in the subordinate Railway Services, a copy of which is in the Library of the House. Out of a total of 92 posts of Assistant Yard Masters and Yard Foremen, 25 are Europeans.

DISCRIMINATION IN THE GRANT OF PASSES TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF.

99. *Rai Bahadur Lala Brij Kishore: (a) Will Government please state whether it is a fact that under the new East Indian Railway 'pass' rules, the privilege of unlimited number of passes to old Oudh and Rohilkund Railway staff in receipt of Rs. 201 per mensem and over, has been withdrawn with a view to bring uniformity? Is it also a fact that the privilege of second class (local) passes in favour of the old East Indian Railway staff and the staff recruited subsequent to the amalgamation of the old Oudh and Rohilkund Railway in receipt of Rs. 116 per mensem has been retained and that the old Oudh and Rohilkund Railway staff in receipt of Rs. 116 upto Rs. 125 per mensem is given only intermediate class passes?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reason for retaining this discrimination against the old Oudh and Rohilkund Railway staff? Is it a fact that the staff recruited subsequent to the amalgamation is allowed this privilege and that it results in junior and sometimes subordinate East Indian Railway staff getting four sets of second class passes, and the old Oudh and Rohilkund Railway staff get only three sets of intermediate class passes?

Mr. P. R. Rau: I am obtaining information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

NON-GRANT OF CONVEYANCE HIRE TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF.

100. *Rai Bahadur Lala Brij Kishore: (a) Will Government please state whether it is a fact that the old East Indian Railway staff are given conveyance hire when they are called for duty at any place situated at a distance of over one mile from the place where quarters are provided for them, and that the old Oudh and Rohilkund Railway staff are not allowed this concession?

(b) If so, will Government be pleased to state the reason for this discrimination? What steps do they propose to take to remove it? Are they aware that it often results in the senior old Oudh and Rohilkund Railway staff having to walk to attend to their duty and in the junior old East Indian Railway staff engaging conveyance at Railway expense?

Mr. P. R. Rau: Government are not aware that the alleged discrimination exists; but the rates of pay and conditions of service of the old Oudh and Rohilkund Railway and old East Indian Railway staff vary in many respects and Government see no necessity to bring them into line with each other.

**GRANT OF LEAVE WITHOUT PAY TO THE EAST INDIAN RAILWAY
NON-WORKSHOP STAFF.**

101. * Rai Bahadur Lala Brij Kishore: (a) Will Government please state whether it is a fact that:

- (i) the East Indian Railway non-workshop staff drawing less than Rs. 20 per mensem and with service of three, ten, and twenty years are entitled to 10, 15, and 20 days' leave, on average pay in one calendar year respectively, provided no extra expenditure is involved; and
- (ii) no relieving staff is provided, with the result that paid substitutes are engaged against leave vacancies and the periods of leave are treated as without pay?

(b) If the reply, to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take to remedy this state of affairs?

Mr. P. R. Rau: (a) Under the new leave rules, to which presumably the Honourable Member refers, the leave admissible to inferior servants is not subject to the condition that no extra expenditure is involved.

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

**RULES GOVERNING THE PROMOTION OF THE STAFF ON THE EAST INDIAN
RAILWAY.**

30. Rai Bahadur Lala Brij Kishore: Will Government be pleased to state what are the rules governing the promotion of the staff on the East Indian Railway who have been taken out of their proper line either as a result of (i) economy campaign, (ii) reorganisation or (iii) selection in the interest of work, and who have earned no promotion as a result of these transfers, have shouldered extra responsibilities, and have as a result been placed on posts where further promotion is blocked, while in their own line they had an avenue of promotion to much higher posts open?

Mr. P. R. Rau: I have called for certain information and will lay a reply on the table in due course.

**LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE
GREAT WAR.**

31. Mr. S. G. Jog: Will Government be pleased to state whether it is correct that copies of questions Nos. 591 to 596 and their replies by Government in this House on the 4th September, 1933 at Simla, were sent to the Controller of Military Pensions, Lahore, for information and necessary action in accordance with those replies? If not, do Government propose

to do so now? Are Government aware that the Controller, Military Pensions, Lahore, has refused to act on copies received by him from other sources?

Mr. G. R. F. Tottenham: The attention of the Honourable Member is invited to the reply to starred question No. 1263, which was laid on the table on the 24th January, 1934. If he will let me have the particulars of the cases he has in mind, the attention of the Controller of Military Accounts and Pensions, Lahore, will be invited to them.

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

†32. **Mr. S. G. Jog:** Do Government propose to issue instructions to the Controller of Military Pensions, Lahore, to take up forthwith and proceed expeditiously with such cases as are affected by Government reply, dated the 4th September 1933, to question No. 592 as regards individuals marked "D and E" in that question, that is, people retiring on pay from Rs. 200 to Rs. 249 per mensem?

LEAVE AND PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

33. **Mr. S. G. Jog:** (a) With reference to their reply in Simla Session on the 4th September, 1933 to question No. 596, do Government propose to enquire from the Controller, Military Pensions, Lahore, whether the statement made in that question is entirely correct and whether that has been the procedure and practice of the Controller, Military Pensions' Office, in dealing with disability cases of the kind referred to?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state whether the Controller, Military Pensions, Lahore will now act in such a manner as will ensure seniors in pay and grading getting higher relative military ranks and higher rate of aggregate monthly pension than their juniors in pay and grading?

Mr. G. R. F. Tottenham: (a) I have nothing to add to the reply already given.

(b) If the Honourable Member will let me have the particulars of the cases he has in mind, the attention of the Controller of Military Accounts and Pensions, Lahore, will be invited to them.

DISABILITY PENSION GRANTED TO NON-COMBATANTS.

34. **Mr. S. G. Jog:** Will Government kindly confirm whether or not combatants as well as non-combatants retiring on account of field service disability or disease are exempt from the operation of three years average of their salaries, and that their last rank or pay is only to be taken for their average salary irrespective of the fact whether they have served or not for three years in their last rank or grade agreeably to Army Instruction India No. B.-77, dated 17th April, 1928?

Mr. G. R. F. Tottenham: The attention of the Honourable Member is invited to the answer I gave on the 27th November, 1933, to parts (b) and (c) of starred question No. 1182.

†For answer to this question, see answer to question No. 31.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to announce that under Standing Order 80(1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions:

Mr. K. C. Neogy,
Sir Hari Singh Gour,
Mr. T. R. Phookun, and
Mr. Muhammad Yamin Khan.

According to the provisions of the same Standing Order, the Deputy President will be the Chairman of the Committee.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the House that the following Honourable Members have been elected to the Committee on Public Accounts, namely:

Rao Bahadur M. C. Rajah,
Mr. T. N. Ramakrishna Reddi,
Mr. J. Ramsay Scott,
Mr. S. C. Mitra,
Mr. Uppi Saheb Bahadur,
Kunwar Hajeer Ismail Ali Khan,
Mr. B. Das, and
Captain Sher Muhammad Khan Gakhar.

RESOLUTION *RE* PROTECTION OF WORKERS AGAINST UNEMPLOYMENT AND REDUCTION OF WAGES.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the following Resolution moved by Mr. N. M. Joshi:

"That this Assembly recommends to the Governor General in Council to take immediate steps to protect the workers in the country against increasing unemployment and reduction of wages."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support the motion of my friend, Mr. Joshi, and invite the Government to pay special attention to do something to ameliorate the condition of the unemployed in India. To me, Sir, the standard of a good Government is the extent to which the Government have been able to settle the question of unemployment in the State. We realise fully the difficulties of the Government in a vast country like India, where it is a very complicated and big problem, but that is no reason why the question should not be tackled. In every other country, there

is a serious attempt, particularly in these days of depression, to solve this question. Some of our representatives in International gatherings may say that there is no unemployment question at all here in India, but, Sir, you know that unemployment is a permanent question in this country, and also under-employment. Then there is the other question as well, namely, whether labour in India is getting its proper share, and this question has been raised many a time by the Honourable the Mover of this Resolution. I think that unless the national dividend in total is increased, there cannot be any hope of getting a larger share for the labour itself. So, even the question of reducing the hours of labour, if it means less production or a lesser quantity in the total national dividend, will ultimately redound to the loss of labour as well.

Sir, it has been said that the duty of a good Government is not only to balance their budget by putting as high a tax as possible on the people of the country, but to do something for the poorer people in the shape of unemployment insurance and other similar amenities. And it is particularly binding on an alien Government to rule people in such a way that there may be peace and contentment. I do not agree with the theory that British rule in India was established merely by force and fraud. Certainly a country cannot be won, nor kept for a long time under anybody's rule, by force and fraud alone. I believe the earlier statesmen of Great Britain were more anxious to satisfy the real necessities of the people, and the discontent that now prevails is more or less a necessary corollary of the poverty and distress due to the economic condition in this country. Every one knows that England is perhaps one of the richest countries, if not the richest in the world, while India, though in the same Empire, is the poorest. So, at least for the sake of the good name of the British Government themselves, it is necessary that they should look to this question of unemployment from the point of view of higher statesmanship. The question was many a time left to be settled by the Provincial Governments. Certainly it is the primary duty of the Local Governments to tackle this problem. But you know, Sir, in India large items of revenues are ear-marked for the Central Government. Speaking for my Province of Bengal, I can say that, year after year, the Bengal Budget undergoes a deficit of two crores and more. Therefore, a province like Bengal cannot be expected to take up this problem seriously, particularly as it is also an all-India question. The Government of India should at least initiate the steps to see that this unemployment question may be properly dealt with as they do in some of the subjects like agriculture and co-operation for the benefit of all the Provinces.

In this Resolution there is a part where Mr. Joshi emphasises the question about reduction of wages. This question applies also to some of the Government Departments. The Government of India in the Railway Department is a very large employer. Unfortunately I find the Honourable Member in charge of Railways is absent. I know particularly in connection with the railway presses that there has been a large reduction both in the wages and in the staff and the chief complaint is that it is the manual labourers who have been largely retrenched and not the supervising and the other higher staff that monopolise the largest share of the labour budget. At least so far as Government are concerned in this big Department, where they are employers, they can give effect to the suggestions of my Honourable friend, Mr. Joshi, in not reducing the wages in any way. With these words, I support the motion.

Mr. H. B. Clayton (Bombay: Nominated Official): I rise to make a few remarks on the Resolution moved by my Honourable friend, Mr. Joshi. I do so, Sir, with very considerable diffidence as this is the first occasion on which I have had the honour to address this Honourable House and also, Sir, another reason for my diffidence is that the facts have been so very clearly and concisely stated by other speakers, particularly by the Honourable the Finance Member, that there really remains very little to be said on the subject, important as it is. I must, therefore, confine myself to supplementing and emphasising several of the points which have been made by previous speakers. I have, however, rather a personal reason in rising on this occasion as I may claim, if I may so phrase it, to have been the mid-wife on the occasion of my Honourable friend, Mr. Joshi's political birth. The north of the Bombay Island was in labour and Mr. Joshi appeared as its representative and I was fortunate enough to secure his nomination by the Government of Bombay to the Bombay Municipal Corporation, I am afraid I cannot remember exactly how many years ago it was. Since then, my Honourable friend, Mr. Joshi, has proved a very promising and lusty child and although I think that like other children some times he rather cries for the moon, yet I have marked with great pleasure the progress of his political career and I yield to no one, not even to my Honourable friend, Mr. Ranga Iyer, in my admiration for the capacity with which Mr. Joshi represents a certain class, I say deliberately a certain class, of the labour interests of India, not only in this Honourable House but also, if necessary, in Moscow, Geneva, Kamatschatka, the United States of America and, I daresay, lots of other places. Sir, with his other friends in this House, I shared the pleasure of seeing him yesterday selected by you, Sir, to occupy your exalted position and direct the deliberations of this House. (Hear, hear.) But, although I have this great admiration for Mr. Joshi, I must confess that on occasions, and this is one of them, I do not entirely see eye to eye with him. He reminds me rather of the story of the boot-maker in Paris who for business purposes considered and was always advertising the fact that there was "nothing like leather". Now, leather is a very good substance, but there are certain occasions on which it is not the right substance to employ. Similarly, labour has its claims and they are generally recognised, but in certain circumstances it appears to me that the claims of labour can be pressed under conditions where such pressure is entirely unjustified and I believe that this is one of those occasions. Mr. Joshi in his Resolution has used the phrase, "the workers of the country", and he tried to make it a comprehensive Resolution by the use of that phrase. In his speech he even tried to include the agricultural workers, that is to say, he referred to agriculture by saying that agriculture is not now a paying proposition, that the wages of the certain agricultural labourers had been reduced and that unemployment existed in agriculture by reason of the fact that a large number of agricultural workers were employed only for a certain portion of the year and not for the whole year.

Now, as I say, I have a great admiration for Mr. Joshi and I believe him to be an expert in various matters. But I do not believe him to be an agricultural expert, nor do I believe that his knowledge is as great possibly as, I hardly venture to say my own, but that of many Honourable Members of this House, where agriculture is concerned. I rather

fancy that to Mr. Joshi a plough is a constellation in the sky or possibly failure to pass an examination rather than a wooden instrument to which bullocks have to be yoked in order to turn over the soil to sow the seed. I may, however, be wrong in this and Mr. Joshi may in his own village be in the habit of driving a plough as well as anybody else. But I do not think that he can claim really to represent the agricultural workers. I am quite aware that the agricultural workers are at present so unorganised that they have no official representatives in spite of the large number of agrarian Members in the various Assemblies. At the same time, it will, I think, be admitted that when Mr. Joshi contends that there is agricultural unemployment by reason of the fact that a vast number of the agriculturists of India do not work for more than half the year, he is labouring under a fallacy. Surely everybody who is acquainted with agricultural conditions in India knows that from time immemorial it is the tradition and custom of the agriculturist, *i.e.*, the cultivator of unirrigated lands, to work only for a short period in the year. His land and his conditions of operation allow nothing else so that he has during a large portion of each year leisure time in which he can attend marriages, go on pilgrimages or take up such other occupations to his heart's content. Now, Sir, that is a permanent condition of cultivation in India, and to no appreciable extent has it been exaggerated by the present state of affairs which, as Mr. Joshi himself admits, is due rather to a general world depression than to anything else.

Now, Sir, several Honourable Members who have spoken before me have pointed out that the problem is an agricultural and not an industrial problem. I took the trouble to look at the Census returns for 1931, and I think the figures will interest the House. I take the figures for the whole of India including the States, though the figures for British India would produce exactly the same effect. I am quoting from page 206 of the Imperial Tables of the Census of India, 1931. The total number of wage-earners in India is given at 168 million, men and women. The number employed on agriculture and kindred pursuits is 110 million, or about 70 per cent. You see at once the predominating influence of agriculture. The number of textile workers is just about the insignificant percentage that the Government of India give us on this paper,—otherwise $4\frac{1}{2}$ million or something like three per cent. only. I quote these figures to show how insignificant the number of textile workers is. Even if you took the whole number given as employed in trade and industry, it would be insignificant as compared with that earning its living from agriculture. As an example I note,—this is rather curious,—that those employed on industries connected with the toilet number as many as the textile workers, that is, about four million; and among them barbers and *dhobies* run to the rather large figure of $2\frac{1}{2}$ million. I do not think Mr. Joshi holds any brief from any institute of barbers or *dhobies*, nor probably are they represented in this House. But there are enormous interests which Mr. Joshi does not, I think, claim to represent. On the other hand, the number employed in trade is given as over nine million, whereas the numbers employed in the public services including the army, the police, the Government services, and the municipal and local board services, is the insignificant number of two million. I think, Sir, that these figures are interesting as showing conclusively

[Mr. H. B. Clayton.]

that the problem which faces us is an agricultural one and not an industrial one. If the agricultural difficulties can once be solved, the other difficulties will immediately resolve themselves.

Now, I am far from suggesting that the unemployment of which Mr. Joshi speaks is exaggerated. We know that it exists; all of us meet with the problem every day and it is undoubtedly serious, not only in the textile trade to which Mr. Joshi has specifically referred, but also and particularly among the clerical classes where possibly the pinch is in a way more severe as it is probably less advertised. But the point is that the degree of unemployment is clearly such that it is insignificant when compared with the state of affairs which exists in other civilised countries, England, America or almost any other country in Europe. Now, Mr. Joshi has said that the workers are busy sharing one another's burdens and supporting one another from what they can earn. I believe this to be correct and indeed I have often admired the fortitude and the generosity with which various families or relations or friends,—mainly Hindu, I must say, although the Hindu family system has been blamed in this connection,—support one another, those who have means providing for those who have not and thereby certainly performing a great service to Government who otherwise, as in other countries, would undoubtedly have to find means to support the indigent workers. But this is a peculiar feature of this country and a feature for which we have got to be grateful . . .

Mr. President (The Honorable Sir Shannukham Chetty): The Honorable Member must conclude soon.

Mr. H. B. Clayton: Mr. Joshi has referred to the present state of affairs as a famine. The famines to which we are used in India are famines characterised by failure of crops and high prices. The present state of affairs is no such thing. On the other hand, the prices are very low and that makes the whole difference; so much so that I think it can be shown—and I was hoping to be able to show it—that in certain cases the wage earning classes have actually benefited by the present circumstances, that is, they are better off than they were two years ago. In support of this, I should just like to read an extract from page 268 of the *Bombay Labour Gazette* of December. It is rather interesting as coming from the World Economic Survey of the League of Nations at Geneva, a publication with which Mr. Joshi must undoubtedly be familiar. It runs as follows:

“While the fall in aggregate wage payments is a most impressive and important fact, the maintenance of nominal wage rates at relatively high levels demonstrates the importance attached by the wage earners to the maintenance of hardly won nominal standards. It is significant that despite the overwhelming nature of the depression and its costs, money rates of wages in most countries have not fallen as fast as the cost of living. . . .

But index numbers of real wages compiled by correcting the nominal wage rates given above for changes in the cost of living, show such a general tendency to rise that there can be little doubt that most wage-earners in constant full time employment at standard rates are, except for the loss of supplementary earnings such as overtime, in a much better position than in 1929.”

Now, I maintain that that is the present position in India: the wage-earner, if he is in employment, in spite of such reduction as has occurred in his wages, if they are received in cash, is actually in a much better

position than he was two or three years ago, and the suggestion of Mr. Joshi that those wage-earners are now to be specially protected to the detriment of the most important class in India, the agricultural class, for that is what it amounts to—is, in my opinion, undoubtedly improper. There is no reason why the agricultural classes, who in any circumstances bear the main burden of any crisis of trouble, economic or otherwise in India, should be penalised for the benefit of the comparatively insignificant industrial classes. That is what Mr. Joshi's Resolution, although it may not nominally purport to do so, would actually mean, and, therefore, Sir, I most heartily oppose it.

Mr. G. Morgan (Bengal: European): Sir, the Resolution moved by my Honourable friend, Mr. Joshi, is in such wide terms that it is very difficult not to oppose it. I do not oppose the underlying idea he has got in his Resolution; but so far, with the exception of my Honourable friend, Mr. Mitra, no one has definitely stated where the unemployment is or to what extent it is. Mr. Joshi's Resolution, as far as I can see, includes everybody in the country: he says "workers in the country".

The last speaker, the Honourable Mr. Clayton, has, I am glad to say, focussed the whole subject. He says that the agriculturists of the country must not be penalised for the sake of the industrial worker. One has always known that the percentage of the workers, especially in textile and industrial concerns, is a very small one, compared to the total workers of the country including agricultural workers—I think my Honourable friend, Mr. Clayton, said three per cent; and I am very glad indeed that he has brought out this point, because, when labour questions are being discussed on the floor of this House and in committees, it always seems as if the industrial worker predominates in proportion to the total workers of this country. Mr. Mitra said that he was often told that there was no unemployment in this country. So far as I have heard on the floor of this House during this debate, I have not been able to obtain any definite figures about the actual unemployment in this country. There is no doubt, there is some unemployment in certain factories, and so on; but my friend, Mr. Joshi has not, if I remember correctly, definitely stated where the Government can take definite steps to relieve unemployment. It is a very vague thing to say that the Government must do this, must do that and must do something else; but unless there is some definite proposal put before the Government in moving a Resolution of this description, it is not easy for us to discuss the actual proposition. So far as labour in the industries that my Honourable friend, Mr. Joshi, represents here is concerned, I do not think he can accuse the Government of India of not having moved to look after the interests of that labour: in fact some of us think that Government are moving a little bit too fast; but I would very much like to know what particular class of labourer or worker Mr. Joshi refers to in his Resolution. My Honourable friend, Mr. Mitra, referred to one class, namely, the railway staff which is under Government control, and suggested that Government might take action in that particular line to prevent any reduction of wages. That is one point. But, beyond that, I should like to know in what way my Honourable friend, Mr. Joshi, would suggest that Government should take steps to relieve what he calls unemployment generally.

Now, if we include under the heading of workers all the people who work in this country, irrespective of what their work is, we come to a

[Mr. G. Morgan.]

class of youngmen in this country who certainly, owing to the present system of education, are being turned out into the world with very little chance of employment at all, and I do not know what my friend, Mr. Joshi, if I am right in assuming that he includes that class under the heading workers, would do in a matter of that description. I noticed in the Press this morning—with your permission I shall read it out—a question which was asked in the House of Commons:

“Sir William Davidson suggested limiting the number of Indians taking University course in view of the number of graduates who had no chance of obtaining suitable employment. Sir Samuel Hoare pointed out that it was for the authorities of such Indian Universities, and not the Government, to decide whether such step should be imposed. Sir Samuel Hoare doubted if it would serve a useful purpose.”

I do not agree with Sir Samuel Hoare's last remark. I should like to ask my friend, Mr. Joshi, if he includes that class in his Resolution or he only includes the actual labouring class.

My Honourable friend, Mr. Mitra, said that it is really a matter for the Local Governments, but some of the Local Governments say that they have no money and that they could do nothing and, therefore, the Government of India should take steps, but there is no suggestion from my friend as to what steps the Government of India should take. My friend also said that labour was not getting its proper share. I do not quite understand what my friend means by giving them a proper share. If he means that there are more unemployed in the industrial labour than anywhere else, then I should like to have facts and figures. My friend, Mr. Clayton, dealt very fully with the actual position as regards unemployment, and in putting forward the position of the agricultural worker, he pointed out that it is a permanent condition in India in agriculture that it must be more or less a part time work, but I think my Honourable friend said that the permanent condition was not exaggerated by the present state of affairs owing to the world economic depression. Although I am in favour of the protection of industrial workers as a whole, I would suggest that my Honourable friend should change the word “workers” to “labourers” in this country and give some definite constructive proposal to the Government of India as to how they should tackle the problem. As the Resolution stands at present, Sir, I am afraid, I cannot support it.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I have great pleasure in supporting the Resolution moved by my friend, Mr. Joshi. The unemployment problem is a very big problem that is looming large in the world, and it is more so in India and hence we on this side are beholden to Mr. Joshi for bringing this problem to the attention of this House.

Sir, I was a little distressed when I heard my friend, the Finance Member, say that the sufferings of other countries in regard to industrial unemployment were more terrible while those sufferings were comparatively less in India. There might be truth in what he said if it referred only to the unemployment of industrial workers, but the Resolution is not so narrowly worded. The Resolution refers to workers,—they may be industrial workers, agricultural workers or any other class of workers, and the Resolution refers generally to unemployment in this country. In order to illustrate his point, the Finance Member referred to

two or three industries, namely, the textile industry, the steel protection industry and the sugar industry. He proved by means of statistics that while unemployment has dwindled in recent years in India, unemployment has increased in other countries. If we take only these three industries, he may be correct, because the textile industry, the steel industry and the sugar industry have got very good protection, and under the ægis of that protection these industries are thriving and giving some employment to the unemployed. But, when compared to other countries, the employment afforded here is practically nothing. Sir, it must be remembered that western countries developed industrially to a great extent and they had their hey days, whereas India has begun to develop her industries only very recently, comparatively speaking, hence the comparison is not of much use in considering this problem. I am also beholden to my friend, Mr. Clayton, for pointing out that industrial employment is quite disproportionate to agricultural employment in India. According to him, it is only about three per cent. of the total employment. So we are not much concerned with the industrial employment or unemployment. We are concerned with the general unemployment that prevails in this country.

Then, my friend, Mr. Morgan, also stated that he could not say there was unemployment in this country. Those who have got eyes to see can very easily see the appalling extent to which unemployment exists in the country. If in western countries unemployment goes to the figure of one million, then at once there will be any amount of agitation, any amount of commotion by the unemployed people, there will be marches organized by the unemployed to the very door of the Parliament and then they will demand that there should be more employment. Governments tumble down if they do not provide sufficient employment, but in India the case is quite different. In India we have become callous to their position. It is not by hundreds, it is by millions that we can count the unemployed. Various estimates have been made of the number of unemployed in India. The estimate of Sir M. Visweswaraiya is that nearly 40 millions of people—I beg to be corrected by Mr. N. M. Joshi—get only one meal per day.

An Honourable Member: Sir William Hunter.

Mr. T. N. Ramakrishna Reddi: I am taking the very latest opinion expressed on this subject and that is Sir M. Visweswaraiya. What is one million in the United Kingdom or three millions in the United States compared to the 40 millions of people of this country who go with only one meal a day! Hence we can easily imagine the magnitude of the problem that is before us. The Honourable the Finance Member has stated in his speech that he is prepared to consider any suggestions that may be made and that they would engage the serious attention of the Government. The Government have very many and weighty responsibilities to discharge. They have got to look to the external security and also the internal peace and prosperity of the country. They have got to see that their budgets are balanced. They have got to see that the taxes levied are not very high and, at the same time, that the budgets are balanced. But the most important duty which any Government responsible to the people should discharge is to see that the poverty and indebtedness of the people is removed and also that the unemployment problem is solved.

[Mr. T. N. Ramakrishna Reddi.]

Various schemes have been proposed by the Honourable Members who have preceded me. Mr. Joshi has proposed the extended opening of railways by the State, irrigation works, works of laying out roads, canals, bridges, and so on. My Honourable friend, Mr. Morgan, said that no definite scheme has been proposed, but he will find that, in the speeches made by Mr. Joshi and by the Secretary of his own Party, Mr. James, various schemes have been proposed. Coming from a rural tract, knowing the conditions of the agricultural labourers and the conditions in the rural parts, I also venture to make one concrete suggestion which I hope that the Honourable Member for Industries and Labour will take note of; I mean the development of rural communications and rural drinking water supply. Now, Sir, the Government of India, on the recommendation of Mr. Jayakar's Committee, are levying a duty of two annas per gallon of petrol which is earmarked for the development of roads, of which the Imperial Government will keep about 10 per cent. and distribute the balance to the various Provincial Governments in proportion to the consumption of petrol in each province. From the Kirkness-Mitchell report we find that the Imperial Government as well as the Provincial Governments are deriving, by means of various taxes and license fees from petrol, from automobiles, from auxiliaries, and others, a sum of nearly eight crores of which the Imperial Government will keep about Rs. four crores and give to the various Provincial Governments about Rs. three crores and 40 lakhs. And from this petrol tax, as I have said, they get about one crore of rupees of which, after retaining for themselves ten per cent., they will distribute the balance to the various Provinces. Though this revenue is earmarked for the development of roads, in actual practice we find that this petrol tax is given to the provinces for the purpose of constructing bridges alone in the main trunk roads and not even on the village roads. Hence it is only very few people, very few skilled labourers that are benefited by this petrol tax. The rural people are not much benefited, because the amount is spent only on the main trunk roads. I would suggest to the Honourable Member for Industries and Labour that this amount should be earmarked for the development of rural communications and not for the construction of bridges alone. Sir, there are very many important villages, thriving villages in my Presidency, and I hope in other Presidencies also, which have not been directly connected to any important trunk roads and which cannot boast of having a good road at all. So the agricultural produce does not find very good markets and the agriculturists are not getting proper price for their produce. Therefore, it is a crying need that all the important villages should be linked to main roads.

During the last Session, the Government got through the Railway (Amendment) Act empowering the Railways to open motor bus service in order to compete with private bus service. At that time I stressed the fact that, if Government had developed village rural communications, they would not have felt this difficulty. It is because there are no good roads that the private bus owners have to ply their buses along roads which run generally parallel to railway lines, and, if only they had developed these rural communications, they would not have felt this difficulty; there would not have been so much loss of revenue to Government, because these private bus owners would ply buses to those interior villages and bring more passengers and more goods to the railways. That is why I stress upon the necessity of developing rural communications. So I would earnestly request my Honourable friend to direct Local Governments to spend the amount, they get from these petrol duties, on the development of only rural communications. In that way he would be doing a very great service to this

country and he, at the same time, would be providing labour for many unemployed persons. That is one concrete suggestion that I would like to make for the consideration of the Government. Sir, there are other concrete proposals and, I am sure, that other Members will propose them and, with these words, I have great pleasure in supporting this motion before the House.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): I rise to say a few words in support of the Resolution of my friend, Mr. Joshi, and I want to refer particularly to only one aspect of it, I mean the question of wages. It is not unnatural for Honourable Members to be carried away by the assumption that, because there is depression in the country, because prices have fallen, therefore, the obvious course for the employer is to reduce wages in order that he may exist and face competition from outside. This is a plausible argument, but there are certain other aspects of it which I want to place before the House.

I think I shall be repeating only a truism when I say that the helpless economic position of the workers should be protected from exploitation. It is necessary to safeguard that the commodity that he has got to sell, that is labour, he should not be compelled to sell for starvation wages and that he should be assured of a reasonable standard of life. By a reasonable standard of life, I mean that he should be able to maintain himself and his family, provide for the education of his children, the marriage of his girls and to provide for his old age, sickness and other accidents. Wages in India, as you all know, are admittedly low, and, owing to this economic depression and unemployment, the burden of the worker has been further increased by the necessity of maintaining the unemployed members of his family. My Honourable friend, Mr. Clayton, admits that. He pays a tribute to the fortitude and the sacrifice with which the worker is carrying on and, I am surprised, that still he says that his economic position is better, because there has been an increase in real wages. It is a bold statement to make that, in spite of the reduction of wages, there has been an increase in the real wages and, even if we admit that there has been an increase, it has been more than compensated by the additional burden that the worker is called upon to bear in maintaining the unemployed members of his family. In India, the worker earns in normal times very little more than is necessary for his bare existence. As it is, it needs improvement, but, taking advantage of this plea of depression, the employers are busy making drastic cuts in wages and heedless of its effect upon the family budget of the worker and in lowering his standard of life. In Bombay and Ahmedabad, the Presidency from which Mr. Clayton comes, the mill-owners have reduced the wages of the worker by 25 per cent. In explanation of that, we are referred usually to the depression and to the fall in prices and to competition from Japan and Great Britain. It is, therefore, pertinent to inquire whether Great Britain and Japan have reduced their wages to the same extent as the Indian employers have done.

Mr. Butler, the Director of the International Labour Office at Geneva, in his very admirable report for the year 1933, has given interesting figures with regard to the index number of nominal wages in different countries taking the year 1927 as the basic year. From that you find that Great Britain reduced its wages only by five per cent. Japan has reduced by 13 per cent., but the Indian employer has gone to the extent of reducing wages by 25 per cent., and I wish the House to realise the effect of the 25 per cent. reduction in the wages of a worker who in normal times earns barely enough for his own maintenance, and, this, in spite of the fact that

[Mr. Abdul Matin Chaudhury.]

the Swadeshi movement has given a great impetus to the protected industries.

There is another aspect of this wage reduction to which I want to make a reference. The wage bill constitutes a very important element in the cost of production, but I think it is necessary to remember that it is not the only factor. Though it is difficult to generalise, because the conditions vary from industry to industry, it has been estimated that on an average the cost of labour may be put at 30 per cent. of the cost of production and, if this is so, when circumstances force the employer to economise, he should look to other avenues for retrenchment rather than make drastic cuts in the wages of the worker, with all the suffering that it involves. If these millowners of Ahmedabad had taken other steps to reorganise their industry and put it on a sound basis, they need not have resorted to the wage cut. In this connection I would refer you to the speech of His Excellency Sir Frederick Sykes delivered to the Millowners' Association of Bombay in November last. This is what he said:

"As you know, I and my Government have always done our best to promote your interests and to support your suggestions; but I am not sure that there is not perhaps a tendency to rely too much on tariffs and not enough on self-help. Seven years ago the Noyce Committee pointed out defects in organisation and management, all of which have not yet been put right. Then the Fawcett Committee and the Whitley Commission made recommendations in other directions—recommendations which, to some extent, depended upon prosperity, but some of which involve no expenditure and yet they have not been adopted. I would only say in this connection that we cannot rely for ever on Protection, and we cannot expect the consumer to continue paying higher prices than those which would obtain in an open market. The consumer too is not unlikely to view with some concern cuts in wages and any forcing down of the standard of life of the worker."

That is the view of the Governor of Bombay with regard to the reduction of wages in Bombay and Ahmedabad. This wage cut is not necessarily a remedy for the industrial depression and this has been amply proved by the great experiment that President Roosevelt is carrying on in America. He did not accept a wage cut for his recovery plan. He adopted the bold and audacious scheme of reducing hours of work and, at the same time, increasing the wages. The result is that a large number of the unemployed have been absorbed in industry and it has increased the purchasing power of the workers and thus created a spirit of confidence in the country, and America is looking forward with confidence to a quick recovery from industrial depression; but what have our industrialists done when faced with a similar situation. They could find no other way but to starve the workers to meet the situation and Government stood aside as a disinterested spectator in this unequal contest between organised industry and unorganised labour. I welcome Mr. Joshi's Resolution, because it is a timely reminder to the Government that they too have a duty to perform in this connection.

Now, my friend, Mr. Morgan, asked, why did not Mr. Joshi make specific recommendations and specific suggestions with regard to the solution of the problem? I would remind him, Sir, of Parnell's dictum that it is the business of a private Member to show that a demand exists and it is the business of the Government to formulate schemes for meeting that demand. Sir, I support the motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, if I intervene in this debate, it is because I feel that the Honourable Members who have spoken on this subject have dealt with the question as if the question of unemployment were one which admitted

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of a ready-made solution. To me, the question of unemployment in this country is a very large question, based upon many factors,—first of all, upon the appallingly increased birth-rate in this country, with the result that during the last ten years the population of this country has gone up by no less than 30 million souls, and India at the present moment is accounted as the most populous country on the surface of the globe. The second question is the question about agricultural and industrial workers. I was reading the other day a book written by Sir Theodore Morrison on the subject of economics and he has tabulated the results of his inquiry in which he tries to show that the agricultural industry all over the world is never a paying industry. He gives the example of several agricultural countries of Europe and points out that agriculture is at no time a profitable investment, and in India particularly, where, on account of climate and soil and the ignorance of agricultural workers, it is impossible for agriculture to become a self-supporting and a paying industry. The Government might help agriculture by promoting schemes for industrializing agriculture everywhere, and that is the line of advance which I should be prepared to recommend to the Government. But it has its limitations.

Turning now to Mr. Joshi's Resolution, if I may be permitted to summarize it in two words, all he wants is work for the workers and more wages for them. Now, as regards the work for the workers, leaving out the agricultural worker and confining ourselves to the industrial worker, Mr. Joshi wants work for them. Now, who is to provide work for them? The work has to be found for the workers by the employers, that is to say, by the factory owners and the textile owners and other industrialists of this country. Now, if they were to give work for the workers and give them no reduction of wages, how long will they last? They must be able to sell their goods at a reasonable profit in the market: and if they were to produce goods which they could not sell, then their own factories would very soon be silenced. Therefore, the question depends not so much upon any pious expression of view that work must be found for workers and that their wages should not be reduced as upon the large fact as to how we are to deal with the question of the industrial depression in this country. Now, the industrial depression in England as well as in other countries has been dealt with to a certain extent by the Government, and

we may take a leaf out of the book of the English parliamentarians, we may be able to find some means for the purpose of improving the lot of industrialists in this country. The present National Government is a wholehearted protectionist. The Board of Trade keeps an eye upon all the industries of the world and, as soon as it finds that the home industries suffer in competition with foreign industries, a heavy, and at times prohibitive, import duty is levied upon their imports.

Mr. G. Morgan: What is India doing?

Sir Hari Singh Gour: My Honourable friend, Mr. Morgan, asks, what is India doing? India is doing that to a certain extent, and what we want the Government to do is to follow the same line for the purpose of protecting all the existing and nascent industries. In Japan, which is threatening the industrial life of the whole world, the industries are in a flourishing condition due to four facts. I am giving you these four facts, because a very responsible deputation was sent out to Japan a few months ago by the Manchester Chamber of Commerce to report on the textile industries of that country and they returned with a report which is available to the

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public and in which they stated these four facts as being responsible for the flourishing condition of the Japanese textile industry. The first was ruthless rationalisation of the industries. The second was the scrapping of all obsolete and out-of-date machinery and the employment of the latest automatic looms. The third was the elimination of intermediate profits such as those made by the cotton buyers, the cotton sellers, the cotton brokers and the banks and there is a complete co-operative buying and co-operative selling. The fourth and the last thing is the protecting hand of the State. Now, this requires a few words of explanation. The condition of the textile industry in Japan, so long as it is flourishing, remains entirely independent of any State control, but the moment there is any mismanagement, or the State finds that the industry requires help from the State, the State immediately steps in and gives it a guiding hand and so places it once more upon the highroad to making a reasonable profit. These are the four principal causes which have contributed to the pre-eminence of Japanese industrial life and which makes Japanese goods such a serious menace to the markets of the world. Now, if we were to follow the example of the successful industrial countries, we would begin at the beginning in this country. We would establish a Central Board of Trade and Industrial Control, and, secondly, we would do what we will have to do sooner or later, namely, establish a Central Board of Education. My friend, Mr. Morgan, read out to us a question put in the House of Commons and the reply given by the Secretary of State. Sir, if the question of unemployment—industrial, educational and clerical or otherwise—is at all to be solved in this country, it will be only solved by the co-operation of these two Boards. One to give a new impetus to industrial and general education and, second, a measure of control exercised by the Board over the industries of this country.

Now, as regards the question of education, I do not wish to detain this House very long, but the fact remains that ever since the establishment of the University of Calcutta, modelled upon the University of London, the University education in this country has been entirely a bookish and a clerical one. What we really want is to give a new kind of education to the students in this country, so that they might be better equipped for taking their proper share in the growing industrial life of the country. That is the first thing we want. Now, the independence of the various Universities in this country and the placing of them under the Local Governments places the Central Government under a serious handicap, and what we do suggest is that the Government of India should take time by the forelock and in consultation with the Universities and the Provinces immediately institute a Central Board of Education and that the Central Board of Education should go into the whole question of education in this country and establish such Universities as are necessary for the purpose of developing not only the industries, but developing true scholarship in this country. I, therefore, submit that what we really want is a new educational outlook and in this the Government of India can give us a helping hand. Secondly, what we want is a Central Board of Trade and Industries and we must, in dealing with this question, take into consideration the fact that industries in this country do not receive that amount of technical assistance from the State which the industries in other countries do. Only the other day, the British Government have hypothecated the revenues of the United Kingdom to the extent of many million pounds

for the purpose of producing petrol from coal by the process of hydrogenation, and the electrification of the United Kingdom, which is also a *fait accompli* was achieved with the help of the National Government. Now, what we really want in this country is assistance from the Central Government in the matter of the development of the industries of this country, and not merely the giving of two per cent. here or 20 per cent. there by way of protection. What we want is a strong lead, a bold lead, for the purpose of placing the industries of this country upon a sure and lasting footing. Sir, pioneer work has to be done and it must be done by the State. In all countries pioneer work is done by the State, and it is in this respect that I think that the Central Government can help us a great deal in the direction of giving us right education and right lead in the matter of our industries. If Mr. Joshi's Resolution is taken in this sense, then I am sure there will be hardly anybody in this House who would quarrel with it. If, on the other hand, Mr. Joshi's Resolution possesses that narrow view, namely, that never mind the country, never mind the industrialists, never mind the industries, what I want is a square meal at your cost and what I want is work also at your cost, and, so far as you are concerned, I do not care one jot what happens to you; you may pawn your wife and children, but you must feed the worker. I am sure, Mr. Joshi does not take that view, but it is certainly the view of some Trade Unions in this country and elsewhere, and I do not think there will be many in this House who would support this view. If, on the other hand, Mr. Joshi is pointing his finger to a great blot in our national life, to which I have adverted, then I am sure everybody on this side of the House would support his motion.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muham-
madan Rural): Sir, I wish to move my second amendment which runs as follows:

"That after the word 'workers' the following be inserted:
'of all classes including the agricultural, industrial and the educated'."

The intention of the amendment is to extend the scope of the Resolution. Mr. Joshi in his Resolution wants to protect the rights of the workers only, being indifferent to others who would include the agriculturists who are more than 75 per cent. in the country and who remain unemployed for about four or five months in the year and sometimes the whole year due to scarcity of rains.

Sir, the problem of unemployment is one which, I know, has been exercising the minds of all sections, not only of non-officials, but also of the official sections. It has also been receiving attention of all classes of people inside and outside the House. Once we started associations for the purpose of sending people to foreign lands to learn special industries and technical pursuits. We spent a lot of money on them; and when they all returned, we had the additional problem of not being able to find employment for them. Sir, the agriculturists are the greatest sufferers in this matter and they deserve our full sympathy. Both in the cities and villages there are a larger number of men and women who can find no work. They could be given work if co-operative associations could be started. Centres for training in small industries could be established and their produce sold in the market. I am sure, Sir, this would markedly affect the economic well-being of the people. There is a large

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number of widows and other helpless women and children who are actually starving. The well-being of the industrial labourer is no doubt important, but still more important is the employment of those who have not any means of livelihood. Those who are unable to work, for them widow homes and orphan houses can be opened by the Government and by public subscriptions. If co-operative societies and agricultural banks in large numbers be established, I am sure, thousands of people will be benefited by them. The Honourable the Finance Member very rightly said in his reply to Mr. Joshi's Resolution that the real problem was not so much industrial unemployment, as the lack of purchasing power of the masses as a whole. India is primarily an agricultural country. About three-fourths of the population are maintained directly by land and ten per cent. indirectly by land, and hence any Resolution which disregards the interests of the agricultural masses cannot be said to be useful to the masses. It may be useful to a few industrialists, but not to the general population. Go to the root of the causes which produce the present unemployment. Sir, the first problem before us is that the prices of agricultural produce should be raised. This will tend to increase the purchasing power of the masses and, consequently, industries will begin to flourish, and this will find work for the unemployed labourers and also the wages of workers would themselves rise. The second point is that new works should be opened in order to find some job for the unemployed. We should be grateful to the Honourable the Finance Member for the assurance given that he would begin new capital expenditure for new works. Sir, in the days of unemployment, Governments do not retrench the work, but they extend the work.

Sir, I hope the Central Government and the Provincial Governments will co-operate together to give relief to urban labourers by starting new work, by helping the small industries and co-operative banks.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after the word 'workers' the following be inserted:

'of all classes including the agricultural, industrial and the educated'."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rurak): Sir I had no idea to speak on this particular Resolution, as I never pose myself as an expert on the difficult problem of relationship between capital and labour, but the scope of the Resolution has been widened, particularly by my Honourable friend, Sir Hari Singh Gour, and so I cannot help saying a few words on this Resolution. My Honourable friend referred to the Advisory Board. About two years ago, the Honourable Sir Frank Noyce, on behalf of the Government, solemnly promised on the floor of the House that this Board would be established in the near future. If Government wish that we should have some confidence in their statements, is it or is it not their duty to see that their promises are fulfilled and that they do not make empty promises on the floor of the House? I may remind the Honourable Sir Frank Noyce that on the floor of the House he clearly stated on behalf of the Government that this Advisory Board would soon be established, but his successor has entirely forgotten what his predecessor said on the floor of the House. I request him to read his speech delivered on the 16th February, 1931. The

Honourable Member might perhaps say that the Advisory Board was not established on account of financial stringency. If he uttered these words, then I will fling these words to his very face and say that financial stringency does not exist. I am a member of the Standing Finance Committee and I do not know how many times Rs. 40,000—which is really the estimate for this particular Advisory Board—we have sanctioned for comparatively unimportant purposes. If my Honourable friend were to say on the floor of the House that he could not establish this Advisory Board simply on account of financial stringency, we on this side of the House will say that we would oppose every measure of Government which is of less importance than the Board which has not been established. When we press for any expenditure on the nation-building departments, financial stringency comes in, and when we come to the destructive departments, departments in which money is wasted on non-remunerative work, then there is always money available. When the Government adopt this attitude, it is very difficult for the Opposition to co-operate. We say we are co-operators with rational action of the Government. We are not co-operators with all kinds of fantastic theories which the Government may bring forward. This is one point that I want to mention and I do not want to enlarge this topic as I am waiting to hear something very definite on this particular question from the Honourable Member in charge.

The other point that I should like to mention in this discussion is that we ought to devise some measure by which we can find work for the unemployed. My Honourable friend, Mr. Morgan, said there was not much unemployment.

Mr. G. Morgan: I did not say that. I said there were no definite facts and figures given as to the amount of unemployment or whether unemployment existed at all and that I should like to hear about that when we were talking about roads and bridges.

Dr. Ziauddin Ahmad: My Honourable friend asks me to give facts and figures. We the non-officials, cannot coin these figures, it is really for the Government to make enquiries and the Government have not taken the trouble like the Government of other civilised countries to find out the number of the unemployed. The only testimony that I can bring forward is this. When I go to my constituency and travel in the villages, I find a large number of people flocking there and saying that some of them had no meals at all and some others complaining about unemployment and so on. From this we cannot really prepare the statistics, and it is really for the Labour Department of the Government of India or some other Statistical Department to prepare the figures. Though the figures are not readily available, my own experience—and my Honourable friend's experience may be otherwise—is that there is a large amount of unemployment whose exact number I cannot possibly give. What I want to suggest is that, in these days of unemployment, we ought to start some big scheme for giving work to these unemployed and one of the schemes that I suggest is the building of roads. One gentleman, who calculated the economic value of these new roads, said that if only 14 carts passed on a metalled road, then the saving in labour is such that we can pay for the cost of the roads, we can pay for the maintenance and the interest charges as well. With these figures, it is very desirable that we should have some extensive scheme for the construction of new roads, not only metalled roads, but also *kacha* roads. The Egyptian

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Government, we ought to know, have tried to organise some kind of *Pacha* road by watering dust and not installing the roads. These kinds of roads will also very much improve, as my Honourable friend, Mr. Reddi, pointed out, the position of agriculturists, because, we know that in the rainy season for a long time these people cannot possibly bring in their agricultural products to the markets and consequently the country-side suffers on account of the rains. If this work of new road construction is taken in hand and a special Communication Board is established and the work is started on a large scale, then, I am sure, the problem of unemployment will be mitigated to a certain extent, though not to the entire extent. In this connection there is a Resolution tabled by my friend, Murtaza Sahib Bahadur. I do not know whether it will be moved and will come up for discussion. The Resolution says that we ought to establish some kind of Communication Board in every province with which some of the Members of the Legislature might be associated. The United Provinces Government convened a special Road Conference and this Conference also recommended the establishment of such a Board. If the question of building roads is systematically undertaken, then I am sure that the problem of unemployment will be solved to a certain extent.

I do not want to refer to the question of employment to educated classes in greater detail, because this is a problem which is immediately connected with the question of the improvement of our educational system which I cannot really finish in the short time at my disposal. I would only emphasise that in every country the system of education has been modelled and technical education has been made compulsory, but we in this country are still following the time honoured traditions "education for its own sake". Our education is purely literary with no industrial and technical bias. If we improve our system of education and bring it to the level of what it exists in other countries, then the problem of unemployment may be partially solved though it may not entirely be removed. But our difficulty is that when we request the Government even to approach the subject by appointing an Advisory Committee, the Government refuse even to appoint the Committee on the futile grounds that there is no money, but really they do not desire to do it.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, like the former speaker I had no intention of joining in this debate, but I had the good fortune of hearing my friend, Sir Hari Singh Gour, speak, and I should like, if he will allow me, to offer him my congratulations on one of the most constructive speeches I have ever heard him make in this Assembly. I congratulate him very sincerely on his speech, for there was a lot of practical sense in what he said. Unfortunately I was not here when my Honourable friend, Mr. Joshi, moved his Resolution or no doubt I should have been more *au fait* with what has transpired. But taking up the threads of thought as I have heard them today, I do think that India has a lot to learn from that wonderful little country, Japan. Various views have been expressed today as to how Mr. Joshi's Resolution could be put into practical effect. I join with my friend, Sir Hari Singh Gour, in his view that if Mr. Joshi's finger points to the improvement of industrial education in India as an antidote to its present day acute unemployment, I think his Resolution will have served a very useful purpose indeed. If, on the other hand,

he confines it mainly to the labour problems, chiefly agricultural in outlook, to which he has devoted so much of his life, then, I do not think his Resolution will serve much use.

The point was raised by my friend, Sir Hari Singh Gour, and emphasised by Dr. Ziauddin, as regards, the education in this country. Sir, I join hands with both speakers in stating that the education of India is absolutely out of step with modern requirements, not only of this country, India, but of the whole world, and I agree with Dr. Ziauddin when he emphasised what I consider not so much a neglect of duty on the part of the Government of India as the evasion of a duty that one expected from the Member of the Department that controls the standards of education in India and which power the Devolution Rules have given to the Government of India. An examination of the Simon Commission's report shows that the Hartog Sub-Committee on Education recommended the formation of a Central Advisory Board on Education. Again it was about two years ago, that Dr. Ziauddin moved a Resolution in this House on this very subject and on which I spoke. The Member in charge, responding on behalf of the Government of India, reiterated on that occasion the need of a Central Advisory Board. I ask what have Government done from that day to this? Absolutely nothing, as far as we know. Acting on their power of controlling the standards of education, the Government introduced a Bill, a few months ago, called the Medical Council Bill. That Bill might more correctly be called the Medical Reciprocity Bill. But it is nothing in comparison with the urgent need of a radical alteration in the general educational system in India,—indeed—I should say that an altered educational orientation is one of the most urgent needs in India today. In other words, we need a real and practical appreciation of what system of education is needed in India today. In my opinion that system is not a continuance of the present antiquated and archaic academic system which prepares our youth for clerkships and subordinate employment in the Government of India and other Provincial Government Services, but a serious attention to industrial education which is markedly absent in almost every educational institution in this country. Those schools,—and I talk with more knowledge of those Anglo-Indian Schools,—who broadcast that they have introduced industrial education,—are simply toying with such training. In my humble opinion, today there is more need in India than ever before of a thorough revision of the educational system and the introduction of a more serious effort in industrial education. Truly can the Government of India be charged with a breach of promise, because they have made frequent promises to appoint a Central Advisory Education Council which has never materialised. Let me again refer to the education given in the Anglo-Indian schools in India which turn out children year in and year out like peas from a pod, useless for anything practical in life and only fit to be clerks and subordinates in Government Services. Sir, I think that, like many other Departments which really did good work when under the Central Government, there has been, as far as Education is concerned, too much of provincialisation and too little of centralisation. As an instance, I would quote the need for a Public Health Department in the Government of India to control the public health of India. Here we have this vast Sub-Continent of India crying out for proper up-to-date system of industrial education as an antidote to the present unemployment and what have Government done for the unemployed? They shelved the question year in and year out. The Provincial Governments have made some efforts, though not of much

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practical use, with the result that this country stands almost alone in the Empire with no practical or serious provision to help its unemployed, at least for the unemployed servants of the Government of India and the Provinces. Sir, in my opinion it does not stand to the credit of the Government of India to remain callous to the needs of their own progress. In my opinion, the Government of India have made, no practical or appreciable effort to introduce a really good system of industrial education into their school curricula and I would urge upon Government to give this practical aspect more attention than to its academic side. It is no use shelving this vital matter any longer. If the Central Advisory Board on Education is to be a duly recognised agency, money is required, and this money must be sanctioned before anything else.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammaḍan Rural): Sir, I must confess that when I read Mr. Joshi's Resolution, I thought that something could be added here very profitably before we could accept the Resolution, because it was worded in very general terms. Of course I have been able to elicit from him that he includes all kinds of workers and that wages means salaries also. But I find, Sir, that my Honourable friend, Rai Bahadur Lala Brij Kishore, has tabled an amendment. That he should do so, being the representative of the land-holding classes, came to me as a very pleasant surprise and really he has acted as one of the natural leaders of his province and I give my whole-hearted support to the amendment which has been moved by him which includes workers of all classes, *viz.*, agricultural, industrial and the educated.

Now, Sir, that there is unemployment is admitted by all, the Government and the people. That this unemployment is a menace to the Government as also to our society is also admitted by all; and it is the bounden duty of every one concerned, not to speak of Government alone, to find out means for doing away with this unemployment. Sir, the speeches here were mainly confined to industrial workers and their uplift, because many of the speakers have little or no knowledge of the agricultural workers living in the far-off villages, except a very few. (Mr. G. Morgan: I have.") My friend, Mr. Morgan, claims that he has knowledge of the agricultural labourers, while Sir Henry Gidney says that he does not know anything. I do not know whom to believe. Be that as it may, as an individual who has ample knowledge of village life and who is himself an agriculturist employing agricultural labour, I think I may be permitted to say a few words about the unemployment of this class of labour. In my part of the country, I mean West Bengal, there is dearth of agricultural labour: it is the Sonthals and other aboriginal tribes who come from neighbouring districts which are inhabited by the aborigines, that we have to depend upon mainly for our cultivation and harvest. What is the reason for this? Because, that hydra-headed monster, the tall chimney of industrialism has been eating into the vitals, both moral and physical, of our countrymen and has drained the labour from the villages. Every one who is really interested in the welfare of the masses of this country will admit that so long as those tall chimneys continue, so long as the condition of life which we witness there continues, so long there will be no salvation for the masses of the people, either moral or economical. The one thing I would do, if I were a Mussolini, is to demolish the tall chimneys at once or ask the Government to break those tall chimneys with our aid if possible.

Mr. N. M. Joshi (Nominated Non-official): But electric power does not require chimneys.

Mr. Amar Nath Dutt: Then other means should be employed to do away with these things. Sir, when two hundred years ago all this industrial life was not to be seen anywhere in the world, not to speak of India, were not people happy? Were not the masses flourishing? Were not their condition better than and superior to what they are today?

Mr. N. M. Joshi: No.

Mr. Amar Nath Dutt: My friend, Mr. Joshi, says "no". I know he will say "no" and there are many of his way of thinking which the present system of education has brought into existence. Much has been said against the present system of education, but a system which produces such denationalised and demoralised ideas of human activity is the one thing which we should all condemn and request the Government to take away. The Resolution mainly relates to the Department of my Honourable friend, Sir Frank Noyce, but it also relates to the Department of my Honourable friend, Mr. Bajpai; and many of the speeches we have heard today related to his Department more than to the Department of Sir Frank Noyce; and if I have to say anything, I will have to speak more about the Department of Mr. Bajpai than the other, because I am concerned with agricultural labour and agriculture is his Department. Education also is his Department and the Department of Public Health also is his, about which Sir Henry Gidney has spoken so much. It has been suggested by my revered Leader, Sir Hari Singh Gour, that there ought to be a new educational outlook. If we, who have been brought up in the system in which my Leader and I have been, can ask for a new educational outlook, I think it is up to the Department of Education to think that there is really something defective in the system of education which they have given us; and I think my Leader's suggestion will be carefully looked into by that Department.

Then, a suggestion has been made about the Central Board of Industry: I do not know exactly what would be its function; but whatever may be its function, I think the first thing they ought to see is not to drain agricultural labour from the villages to the slums in industrial towns. That will be saving not only their bodies, but also their souls. My revered Leader also protested against labour getting a square meal a day that Mr. Joshi wanted to have. If Mr. Joshi wants to have a square meal a day only for the labourers, nobody will deny it; but my revered Leader's complaint is that it is not a square meal a day, but many square miles of meals a day that my friend, Mr. Joshi, wants, probably for these industrialists. They must have their tea, they must have all sorts of amusements and cinemas and such like. . . .

An Honourable Member: Do you not go to the cinema?

Mr. Amar Nath Dutt: I rarely go to the cinema: I cannot say that I do not go, but I go rarely; Mr. Joshi would like to have all amenities of life for these men which he thinks Amar Nath Dutt enjoys. I will not deny them the amenities of life which I myself enjoy, because my life is very simple and I am not addicted to any luxuries to which some labour leaders are accustomed: my friend behind reminds me of my *hookah*, but

[Mr. Amar Nath Dutt.]

it does not cost me more than a pice a day. But when my labour friends want to give them all these amenities of life, surely I must disagree with them. Let them have a full meal a day, which neither I nor my Leader will deny them: let them have some of the amenities of life and some social pleasures in the shape of *jatras*, *kathakatas* and the like, but not these westernised cinemas and theatres. But we are all obsessed with our western outlook and the demand that is made in western countries and which may be proper for those countries are certainly not demands which should be made on behalf of labouring classes of India. No one has touched the point of agricultural labour at all in this House except my Honourable friend who has moved the amendment, and all honour to him who takes so much interest in these great problems facing his country.

Then, there is another class of unemployment which is not only acute, but of which Government ought to take note—I mean the educated unemployment in the country. You will find thousands and thousands of graduates yearly coming out from the Indian Universities with no other alternative left to them but the bar, and when they come to the bar, what faces them? They find men with the same intellectual assets that they possess, getting fat salaries while they themselves are starving; and, in spite of this, the Government have been recruiting men at such high salaries which neither their intellectual equipment nor the exigencies of the situation demands. Sir, the salaries of the services in this country have been inordinately raised after the War . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's time is up.

Mr. Amar Nath Dutt: Sir, I beg to submit that the problem of educated unemployment is the most serious and it ought to be taken up by the Government more seriously into consideration than anything else.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Mr. President, the Honourable and gallant Colonel Gidney, fresh from his laurels of the Joint Select Committee of Parliament and other corresponding activities,—I hope, Sir, that an opportunity will soon offer itself to him when he will take us into his confidence, about his many activities . . . (Interruption by Colonel Gidney). I was saying, Sir, that the Honourable and gallant Colonel has paid, and I think rightly paid, a great tribute to Sir Hari Singh Gour for drawing attention to the relation of education and educational policy to the problem of unemployment. Last Tuesday, Sir, was also a non-official Resolution day, and as speaker succeeded speaker in lamenting the lot of the unemployed in this country, I who had come to this House with fond hope that my much neglected Department would receive some attention,—thanks to the Resolution of which my friend, Maulana Muhammad Shafee Daoodi, had given notice,—saw that fond hope of securing prominence, even though it may be a transient prominence, receding into the background. But, Sir, this morning, my friend, Sir Hari Singh Gour, has given me an opportunity of saying something of what I might have said the other day if that Resolution had been moved, and I am quite sure that the learned Doctor also would join me in gratitude to my friend, Sir Hari Singh Gour, because Sir Hari Singh Gour has furnished him with an opportunity of displaying the omniscience to which the House is by now completely accustomed. But I feel, Sir, perhaps my measure of gratitude to Sir Hari Singh Gour is

greater than that of the learned Doctor, because the learned Doctor needs no special opportunities for the display of his universality of interest and range of knowledge which are absolutely unequalled by any Member of the House. Well, Sir, I will not pursue this description of our respective debts of gratitude to the learned Doctor, Sir Hari Singh Gour further, but would concentrate on the few observations that I have to make in regard to the question of educational policy. Now, Sir, there is no doubt about this that there is a great deal of dissatisfaction, legitimate dissatisfaction, legitimate discontent regarding the system of education which prevails in this country. There is a Persian Poet Sadi, who, many centuries ago, said:

Ilm chandan ki beshtar khwani,

Gar amal dar to nest nadani.

Sir Hari Singh Gour: Translate it.

Mr. G. S. Bajpai: I am very glad the learned Doctor approves. I wish to translate it; the couplet means that mere book learning, completely divorced from practical wisdom, is no better than ignorance. That undoubtedly reflects and expresses a widely felt criticism regarding the present state of education. But when I have said that, I do not wish to suggest that the discontent is one which can be removed entirely or exclusively by the Government of India. It ought to be appreciated not only that the constitutional position is such that, education being a transferred provincial subject, primarily the responsibility for dealing with educational problems is the responsibility of Local Governments; there is this further consideration that the very size and the populations of the different provinces and the divergences in regard to local conditions are such that no central policy based on some cut and dried system of uniformity is going to meet the requirements of the problem. But, Sir, it is a healthy sign that the discontent is beginning to engage the attention of Local Governments. Now, I would speak of the Conference which,—I think it was in December 1933,—was convened by His Excellency the Governor of Bengal, and one of the questions that Conference was called upon to consider was the question of educated unemployment or rather, unemployment of educated people, and of an orientation of the educational policy for dealing with that problem. I think it was early in 1933 that the Punjab University Committee reported on this very subject. They certainly covered very wide ground in their recommendations, but the relationship of primary, vernacular, secondary and Anglo-vernacular secondary education to vocational training also received their attention. It is possible, Sir, to go on multiplying instances of the initiative and the interest which Local Governments are displaying in this subject, but that is not necessary for my purpose. What is important is that the attention of the House should be drawn to the fact that those, with whom responsibility rests, are alive and astir to that responsibility and that a move in the direction of reform is being made. Well, my friends will ask—that is perfectly true, but it is not either tending to efficiency or to expeditious reform that each province should be allowed, as it were, to work independently, possibly in the dark as to what somebody else is doing, and is it not the function of the Government of India to co-ordinate, to bring these Local Governments together, so that they may exchange views and ideas and experiences—one profits by the experiences of others—and avoid errors and mistakes that have been committed by others. I quite appreciate that, Sir, and Honourable Members will remember that two years ago when the learned Doctor brought up his Resolution about the appointment of a Committee to go into educational questions generally,

[Mr. G. S. Bajpai.] :

my Honourable friend, Sir Frank Noyce, said that the Government of India had accepted the recommendation of the Hartog Committee for the creation of the Central Advisory Board of Education. And here and now, Sir, I would say that we as a Department definitely feel that the creation of the Educational Board, the Advisory Board and Bureau would be opportune and would also help in bringing Local Governments together for the consideration of this problem of giving a fresh orientation to educational policy. (Applause.) But what I would like Honourable Members to remember is that it is not possible in the present state of the finances of Government to bring that organization into being. My friend, when he spoke, said that he would oppose every proposal for fresh expenditure, which is of less importance, if money were not forthcoming for the Advisory Board of Education

Dr. Ziauddin Ahmad: May I know if that is the opinion of the Honourable Member or it is the opinion of the Finance Member?

Mr. G. S. Bajpai: Government are one and indivisible, and I cannot say whether it is the opinion of the Finance Member or it is the opinion of the humble individual who is speaking now. What I would say is that the question of starting this Board from the new financial year was very carefully considered. We tried our best to see whether provision for it could be made, but unfortunately it was found that the financial outlook was such that it would not permit of the necessary steps being taken to create this organization.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): So Government are not prepared to do anything until the five per cent. cut is restored?

Mr. G. S. Bajpai: I really do not know how the 75 per cent. cut is relevant to the particular point

An Honourable Member: It is not 75 per cent. cut, but it is only five per cent. cut.

Mr. G. S. Bajpai: My friend wishes probably it was 75 per cent. but I resent even the five per cent. . . .

Dr. Ziauddin Ahmad: What my Honourable friend, Mr. Jadhav, meant was that the Honourable Member could afford money to restore the cut for his own Department, but not to establish the Advisory Board.

Mr. G. S. Bajpai: That illuminating remark is completely lost upon me. There was absolutely no intention or effort on the part of this Department to get the cut restored, because it is realised that the restoration of the cut is to be for the services as a whole and not for any particular Department. But, Sir, the fact remains that Government are fully conscious of the desirability of bringing this Board into being as soon as possible, but until the financial situation improves, they cannot do very much in that direction.

Lieut.-Colonel Sir Henry Gidney: Then India will lag behind.

Mr. G. S. Bajpai: My Honourable friend lolling on the bench there says that India will lag behind. Will he be good enough, when the opportunity comes, to tell us whether experiment everywhere else has equalled aspiration? It has not. Every country, whether it be India or any other, has to adjust administrative reform to its resources. It is not that India, or for the matter of that, the Government of India are unwilling that this problem should be handled and successfully handled, but I have tried to explain what the difficulties and obstacles in the way of a successful treatment of the problem are. I do assure him and I do assure the House that there is absolutely no question of indifference or callousness, but there are certain difficulties which mere sympathy cannot overcome.

Lieut.-Colonel Sir Henry Gidney: Your aspirations then become expirations!

Mr. G. S. Bajpai: It is better to have aspirations rather than to expire.

Lieut.-Colonel Sir Henry Gidney: Have inspirations!

Mr. G. S. Bajpai: Inspirations. Sir, do not always materialise into something practical; they are oftenly dreams of poets and the class of gentlemen to whom I referred a little while ago, namely, men who acquire knowledge completely divorced from practical wisdom. My Honourable friend, Mr. Anwar Nath Dutt, had something to say on the subject of agricultural unemployment. Here, again, let no one think that one is unconscious of the aggravation of the agricultural position as a result of the depression or of the fact that the agriculturist, because of the fall in the prices of primary commodities, has suffered more perhaps than the worker in industrial areas. At the same time, while that distressing feature of the situation has to be recognised, one has to be thankful for small mercies, and in that connection I should like to draw the attention of the House to two fundamental features of our rural economy in this country. The first is that the great bulk of the agricultural labourers are tillers of their own land, and the second is

Mr. N. M. Joshi: Can the Honourable Member give us the number of people who own land in India?

Mr. G. S. Bajpai: My Honourable friend is sufficiently familiar with the system of revenue in this country and of land tenure to know that everybody who holds land need not necessarily be the owner of that land. The point I was making was that if the number of those cultivating the soil is classified according to the paid labourer and unpaid labourer or rather paid labourer and labourer who cultivates his own soil or his own land, he will find that the proportion of those who have holdings of their own is much greater. The second point to remember is that the agricultural labourer in this country is not paid in cash, but in kind, that many of them are paid in kind, and from that point of view the fact that our statistical data reveal no diminution of the area under cultivation or of the yield of the food crops at any rate justifies the inference that, so far as his daily meal is concerned, the agricultural labourer is more protected. As I have said, we would very much like things to improve, but, at the same time, in this rather gloomy situation of today, when people are being thrown out of

[Mr. G. S. Bajpai.]

their employments and do not know where to turn for a single meal, the fact that our agricultural labourer is protected by this traditional system of agriculture in this country, at any rate against hunger, is one on which we can congratulate ourselves. There is not very much more I have to add. I have explained our position as regards education and I have also tried to meet some of the arguments that have been made in regard to agricultural unemployment. (Cheers.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Sir, I am very glad to associate myself with the amendment that has been moved by my Honourable friend, Rai Bahadur Lala Brij Kishore. Really speaking the wording of Mr. Joshi is elastic enough to include the various classes that have been mentioned by the Rai Bahadur in his amendment, and, as a matter of fact, it has been held to be so by some of the Honourable Members who have preceded me. The interests of all the classes mentioned, namely, the agricultural, the industrial and the educated classes are linked with each other and all these classes come under one single head, namely, that of the workers as has been put by Mr. Joshi. I shall show this later on.

Let me take the case of the educated class first. It has been said by my Leader, Sir Hari Singh Gour, that the educational system of some of the Universities, especially the Calcutta University, is vicious in that it brings out a set of clerks. It is mostly clerical and bookish. I think that was the expression that was used by him. I must strongly support this view, but I think this is not all. The educational system of the present day is vicious from many points of view. I submit that nowadays no real education is imparted to our students, but something that goes by the name of education is injected into their brain. To mention some of the defects of the present day education, only very briefly I must first of all mention the fact that about three-fourths of our energy is wasted in mastering the English language which is generally the medium of instruction in almost all the Universities. This is the first. The second is that arrangements for lucrative education are not adequate. Thirdly, the system that is imparted or injected into the boys is a godless system and I submit that no sure and permanent success can be achieved by anybody who has received a godless education.

Mr. N. M. Joshi: How do you reconcile God with money?

Pandit Satyendra Nath Sen: God and money often go together. Sir, over and above this, I should say that the hostel life of the present day student poisons his life from the very beginning. In imitation of customs prevailing in the West, our students are made to live in hostels where they vie with each other in indulging in all sorts of luxuries, at the cost of

their parents or fathers-in-law who are starving at home. They are taught to live beyond their means. Not only this. By giving a little amount of *bakshish* to the Durwan, they can indulge in all sorts of objectionable conduct in spite of the most stringent rules which are on paper only, and they live the lives of spendthrifts and they live in a princely style. These are the defects of the present day system of education, which have got to be removed. But when we urge that our present day education does not enable us to earn our livelihood, we must not forget the fact that the main object of education is not livelihood. Education only seeks to make men of us. It is a well known fact that the number of employments is very few, while the number of candidates is innumerable. So it is necessary that our students must have recourse to other avenues also than ordinary employment. It is, therefore, necessary for them that they must take up some business or they will take up agriculture. When in business, they often prove a failure, because of their extravagant habits which they have imbibed from their hostel life. They cannot shine in business, because they are not industrious. And when they take up agriculture, they often find that it is not at all a paying pursuit. They often find that the agriculturist is often embarrassed with the payment of interest, not to speak of the principal. The rate of interest often ranges from 12 to 24 per cent up to 200 or 300 per cent. These figures may appear to be incredible, but these are not my figures. These are the figures that have been given in the report of the Government of India's Provincial Banking Enquiry Committee. In Pabna in Bengal, the maximum figure is 300 per cent. In Mymensingh, it is 225, and these figures, I think, are true not only of Bengal, but also of most of the Provinces in India. Sir, this being the case, I think what is really necessary is that the Government should come forward to help these agriculturists. They should advance loans on easy payment system, but instead of that, we find that they are being saddled with various sorts of taxation. It has been remarked very rightly by my Honourable friend, Mr. Clayton, that the agricultural issue is the main issue. Sir, I beg to submit that the extinction of the agriculturist means the ruin of the people. It has been truly said by the poet:

"A bold peasantry, their country's pride,

When once destroyed can never be supplied."

Sir, I, therefore, urge on the Government to come forward and liberally help the agriculturist classes. But this is not the last word. There is something more to be added. It may be that our rulers are apathetic, but what is the reason why unemployment stares us in the face in every part of the world. There must be something rotten at the very bottom, and, Sir, I think, according to the old system of education which I received at home, the real reason is that we have gone off from the old moorings, I mean the hereditary distribution of work to particular communities or classes. This is what is called the caste system which, up to this time, has protected our society; and if this system is not revived, however much may be done in other directions, the problem cannot be adequately solved. I, therefore, suggest that these old institutions should be revived so that there may not be any clash between class and class or community and community. With these words, I beg to support the Resolution.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, the length of the debate we have had is, I think, sufficient evidence

[Sir Frank Noyce.]

of the widespread interest taken by this House in the Resolution before it and of the importance it attaches to the subject-matter of that Resolution. But it also makes my task in replying a somewhat difficult one. My Honourable colleague, the Finance Member, suggested in his speech that it was a mistake to focus attention specially on industrial unemployment. The House has, if I may say so, followed his advice rather too literally and it has not been easy to discover on what points it has specially focussed its attention. My Honourable friend, Mr. Ranga Iyer, for a few brief moments turned the limelight on the personalities of the Mover of the Resolution and of Raja Bahadur Krishnamachariar, but, after that, the debate strayed over very wide fields. I am not criticizing this discursiveness in any way, but I do feel that it shows that Honourable Members have felt, as I do, how difficult this subject is, and although many of them have declared that they supported the Resolution as moved by my Honourable friend, Mr. Joshi, their speeches have, in point of fact, revealed that they, again like myself, are very far from satisfied as to the practicability of a number of the somewhat facile remedies proposed by the Mover.

The position is, Sir, as most speakers have recognized, that we are dealing with a world-wide phenomenon: and one answer to much of what Mr. Joshi has said is that, as Sir George Schuster pointed out when we were discussing this Resolution last week and as I venture to recall to the memory of the House again today for the point is a very important one, India has undoubtedly escaped more lightly from the industrial depression than any other country in the world except Japan. I maintain that, for the correctness of this contention, there is ample evidence. I would again repeat what Sir George Schuster said last week and ask whether there is any other important country in the world in which the iron and steel industry is working practically to its full capacity as it is working in Jamshedpur today. In the United States, six months ago, that industry was working at less than one-fifth its full capacity and even now it is working at less than three-fifths of that capacity. In spite of the depression in the cotton textile industry, would my Honourable friend, Mr. Mody, if he were here today—I am very sorry that he is not, as certain things have been said about the mill industry by my Honourable friend, the Deputy President, which might, to say the least, have interested him—would my friend, Mr. Mody, if he were here today, seriously contend that the state of affairs in Bombay is as serious as it is in Lancashire? In Mr. Joshi's Resolution he talked of *increasing* unemployment. He has generalized there, as, in my view, he so often does, from conditions in Bombay City which he knows so well. I myself am not prepared to admit that there is *increasing* unemployment anywhere else than in Bombay and in the coal-fields. I do not know whether Honourable Members have seen the latest reports of the action taken on the recommendations of the Royal Commission on Labour, but if they have, they will find in these reports that the Government of Bengal have stated that there is no industrial unemployment of any magnitude in that Province and that this state of affairs will continue so long as the industrial labour population of the Province is recruited so largely from areas outside Bengal and the labourers, who are primarily agriculturists, retain their village connexion. The United Provinces Government say that there is no unemployment among the labouring classes in that Province at present; while the Central

Provinces Government have told us that, with the exception of the manganese mines, most of which have been closed down owing to trade depression, the question of unemployment has not been felt to be acute among the industrial population. That, Sir, is what the Local Governments have stated on this question. But I do recognize that, if unemployment in the technical sense is by no means widespread, the current economic depression has brought with it a large amount of under-employment and of economic distress and I am prepared to concede and very willingly concede that it is the duty of every Government, at a time such as this, to direct its policy towards the attainment of a greater volume of employment and of greater security in that employment. (Hear, hear.)

Now, before I come to my difficulties in accepting Mr. Joshi's Resolution as it stands at present, I should like to offer one or two observations on the wider aspects of the question. Mr. Joshi has pleaded for the recognition of the right to live, and, if I followed him correctly, he interpreted this as meaning that the State should provide not merely the means of existence, but a reasonably high standard of comfort for every person in this vast country. That, Sir, is an admirable ideal to which to direct our efforts. But I feel that there is considerable force in this connection in some of the observations which were made by Mr. Ranga Iyer and also by Sir Hari Singh Gour on the subject of population. Our resources in India, though they are increasing, are limited, and it seems to me difficult to demand that the State should guarantee a comfortable existence for everyone so long as everyone has a right to bring as many children as he chooses into the world irrespective of his capacity to support them. I have no desire to develop this rather hard and at present academic line of thought, but I would urge on social reformers the view that population has a much closer bearing on their difficulties than they are wont to recognise or admit.

One remedy brought forward by my Honourable friend, Mr. James, was the immediate application of the Salter Report, and he suggested, if I remember correctly, that Government have forgotten that Report. Some other speakers, I think, made much the same suggestion. It is, if I may venture to say so, not Government who have forgotten the Report, but the speakers themselves. If my Honourable friend, Mr. James, will turn to that Report, he will find that Sir Arthur Salter's suggestions were made with a view to the position after the new Constitution came into force. I have no time to give any lengthy quotations from the Report, but I would merely quote one passage which sufficiently, I think, establishes my contention. This is what Sir Arthur Salter says:

"I would, however, tentatively suggest (a) that the improvement of the statistical and commercial intelligence system is outside the issues stated above and might be undertaken at once as far as practicable. This will in any case help the future organisation and it will not prejudice it; (b) that no attempt to establish the proposed new organization should be made in the circumstances of the moment at which I write and for so long as they remain substantially as at present."

He added:

"I make even such tentative suggestions on such a point with great diffidence; but I do feel that even considerable delay is preferable to incurring a serious risk that a new organisation, which may play an important and valuable part in India's economic development, should be gravely prejudiced from the start by the conditions under which it is launched."

[Sir Frank Noyce.]

That, Sir, I think, is a convincing reply to those who say that Government have forgotten Sir Arthur Salter's Report. In any case, I am convinced that an organisation of the type, Mr. James desires, would find, as we on this side have found, when we took up this question of economic planning some time ago, that the first essential is to undertake that survey of the ground to which my Honourable colleague, the Finance Member, referred and which we have already started. We have adopted the one suggestion in Sir Arthur Salter's Report which he recommended should be adopted at once.

Now, Sir, I should like to indicate to the House, as briefly as possible, my objections to the Resolution as it stands at present. I have three main objections. The first and the least important is that on which I have already dwelt, namely, the objection to a single word, the word "increasing". Mr. Joshi has, in my opinion, asked the House to express a view which is not only unhelpful, but also inaccurate. My second objection is that Mr. Joshi's Resolution implies that Government have hitherto done nothing. Knowing Mr. Joshi as this House does, they know that this is a charge which he most frequently brings against Government and that his one slogan is: "Mr. President, I want to know what Government are doing?" Well, Sir, if Government have done nothing, the Legislature must be also closely coupled with Government there, for the steps he suggested were to a large extent legislative steps. He talks of "immediate steps", but he seems to have overlooked the fact that for some time past we have been taking a series of important steps which are directly calculated to give the workers better protection against the loss of their jobs or of their wages. Indeed, some of the measures which Mr. Joshi had advocated are already part of our accepted programme. Let me remind him of what we have done. I would first put our fiscal policy on which my Honourable colleague, the Finance Member, dwelt at some length. The House is well aware of the numerous protective measures that have been taken in the course of the last few years and it has again been very sharply reminded, in the course of the last few days, of our protective policy by the Bills which have already been introduced or are under discussion in the House in the course of this Session and which cover an extraordinarily wide field. What I would like to point out to the House is that these measures have been designed not merely to help the comparatively small body of industrial workers in a few cities who have the particular sympathy of Mr. Joshi, but that they have aided great numbers of agricultural workers throughout the country, workers whose needs are not less than those of Mr. Joshi's friends. I am referring especially in this connection to such measures as the Ottawa Agreement and its effect on linseed. The House may be getting tired of references to linseed, but if they will look through the *Indian Trade Journal*, which comes out every week, they will find that the figures of exports of linseed are extraordinarily striking and that linseed is one of the bright spots in the agricultural depression. Then, there is sugar protection and its effect on sugar factories with the consequent increasing employment both among the workers in the factories and the agriculturists who supply the factory with cane.

Mr. F. E. James (Madras: European): And over-production!

The Honourable Sir Frank Noyce: Possibly; but that is not a point that we need discuss now. It may be necessary to do so at some later stage.

There is also the Wheat Import Act and its effect in keeping up prices, not by any means as high as we could wish, but still there is no doubt that the prices of wheat are higher than they would have been but for the existence of that Act. These measures of protection, as we are all only too painfully aware, have involved heavy sacrifices of customs revenue, and I have no doubt that some Members opposite would maintain with considerable justice that they have also involved heavy sacrifices on the consumers. But I do maintain that they have been successful to a large extent, at any rate, in giving security. And, as I said just now, I know of no country of industrial importance, with the exception of Japan, whose economic activity has maintained its vigour so well in the economic blizzard that has swept over the world. We have only got to see for ourselves any one of the numerous exhibitions which are at present being held in this country to find out how rapidly India is progressing in the manufacture of products which appeared entirely outside its scope only a few years ago. That must obviously mean considerable increase of industrial employment.

Our protective policy has been supplemented by other measures of various kinds. Let me remind Mr. Joshi that the last two years have seen two important Acts to assist the employment of plantation labour, the Tea Districts Emigration Labour Act, to which he himself made an important contribution, and the Tea Control Act.

Then, Mr. Joshi referred to relief measures. As he is, I am sure, aware, we are trenching here on the provincial field. It is 3 P.M. the Provincial Governments which employ the Famine Codes to which he referred, and any extension of that form of activity must be provincial. But within the very limited sphere to which the Government of India and this House are responsible, they have not been idle. The Standing Finance Committee has already sanctioned schemes for capital expenditure in Delhi estimated to cost 54 lakhs and, in the course of the next week or so, further schemes, the cost of which is estimated to amount to 31 lakhs, will be placed before that Committee for approval, including, I am glad to say, the scheme for the construction of that long delayed necessity of Delhi, the Irwin Hospital. This measure was designed to relieve unemployment in the only important industrial area within the centrally administered areas and Honourable Members, who move about Delhi and its vicinity, cannot but be aware of the widespread activity to which this attempt at relief had led.

On the question of what Government can do in regard to road development, I shall have something to say in a moment. Then, Sir, Mr. Joshi referred to the spreading of employment. Here, again, we are doing what we can and I would point to the Factories Bill now before this House with its promise of a nine hour day. We have also the question of amending the Mines Act under consideration. My Honourable friend, Mr. Mitra, referred to the question of Railways. I cannot speak with any very close knowledge there, but I do think that the Government of India can claim that on the Railways, where a substantial amount of retrenchment has been inevitable, they have done their best to spread employment and thereby to avoid discharging men wherever this was possible.

Now, I come to the question of roads. Sirdar Harbans Singh Brar has pleaded for the development of roads as a means of relieving unemployment. Mr. Ramakrishna Reddi took up the same point as did also Mr.

[Sir Frank Noyce.]

James. Sirdar Harbans Singh Brar has not, I think, been following quite as closely as he might perhaps have done what we are doing in this matter. I would suggest to him that he might study the proceedings of the Road Rail Conference last year and of our Standing Committee on Roads, and he will find that both we and the Provincial Governments are taking steps to develop the road system throughout India. My Honourable friend, Mr Ramakrishna Reddi, put in a special plea for the development of rural communications. That is a point we have very much in mind and it came into special prominence during the proceedings of the Road Rail Conference last year. We shall have an opportunity later on this Session to discuss the use to which the share of the petrol tax, which is credited to the Road Development Fund, is put when I place before this House a revised Resolution regarding the continuance of the additional petrol tax. Mr. Ramakrishna Reddi will then find that we propose to allow in future much greater elasticity in regard to the uses to which Local Governments can put their share of the fund and he will find that the development of rural communications has been put amongst the objects to which that fund can in future be devoted. My Honourable friend, Mr. James, mentioned a promise which the Honourable the Finance Member held out to Local Governments during the proceedings of the Road Rail Conference that any schemes for the development of Roads, which they could put forward and which they wish to be financed by loans, would receive the most sympathetic consideration from the Government of India. Unfortunately the response to that offer has been very meagre. Mr. James suggested that we might take the matter up again and see whether we cannot induce a more forward attitude on the part of Local Governments, and I can assure him that that possibility will be very carefully considered. What I have said will, I hope, convince the House that we have already gone far in most of the directions mentioned by Mr. Joshi and other Honourable Members.

There is, however, one important suggestion made by my Honourable friend, Sir Hari Singh Gour, to which I have not yet referred. He suggested that we should set up a Central Board of Control for all industries in this country as the only means of getting a move on towards the increasing industrialisation of India. I am not at all sure myself that increasing industrialisation is going to solve the unemployment question, accompanied as it is in these days by increasing mechanisation as the result of which machine can do as much work as hundreds of men have done in days gone by. But that is not a train of thought that I wish to follow up this afternoon. What I would say in regard to my Honourable friend, Sir Hari Singh Gour's suggestion is that it is not a new one. It was put forward some fifteen years ago by the Industrial Commission of which Sir Thomas Holland was the Chairman. If the recommendations of that Commission had been accepted, they might, I do not say they would, for no one can say what would have happened, but they might have led to the results that Sir Hari Singh Gour has in view. May I, however, remind him of what happened. The recommendations of the Industrial Commission regarding centralisation of industries met with bitter opposition from the Provinces. Let me tell the House what happened in one Province. The United Provinces Council adopted a Resolution introduced by Mr. Chintamani, afterwards Minister of Industries in the United Provinces Government, which affirmed not merely that Local Governments should

be given full liberty of action in respect of the development of industries and that the proposed new services should not be created, but also recommended that no portfolio for Industries should be created in the Viceroy's Council. If that Resolution had been accepted, I should not now be addressing this House. My point is that whilst there is very great force in what Sir Hari Singh Gour has said, he has, I think, ignored the constitutional position and also the constitutional changes which are at hand. I would ask, what chance of acceptance a vast scheme of control of industries by the Government of India, as at present constituted, has, not only at the hands of this House, but at the hands of the Provincial Governments and of public opinion in India generally? The time is, I fear, long past for any heroic measures of that character.

I admit, Sir, that we have not taken all the measures that Mr. Joshi suggested, and that brings me to the third objection I have to his Resolution. This is that in using the words "immediate steps", he includes steps which I might believe to be impracticable, and I imagine that my feelings on that point will be shared by a large section, if not by the majority, of this House. I will take only one example, an example to which he has often referred, and that is unemployment insurance; and I would ask the House if it is really possible to contemplate the establishment of any system of unemployment insurance. The Labour Commission reviewed the question very carefully and came to the unanimous conclusion that no such system was feasible. Mr. Joshi has forestalled me on this occasion. He has taken the wind out of what he thought were going to be my sails. He thought that I should say that this conclusion had the unanimous support of the Commission of which he was himself a member. So he has taken a somewhat different line. He says that, if the Whitley Commission were reporting today, they would report differently from what they did five years ago, that conditions have changed since they reported, and that their attitude now towards unemployment insurance would be a favourable one. Well, Sir, I see nothing whatever in the recommendations of the Commission to suggest that this would have happened. Conditions have certainly not changed in regard to the practicability of putting into effect a scheme of unemployment insurance. And that, Sir, as I understand the question, is what trades unions in this country believe themselves, not so much because of what they have said about it, but of what they have done, or, rather, of what they have failed to do. In England, which Mr. Joshi often holds up to us as an example in matters of this kind, unemployment insurance started with the trades unions and they paid out-of-work benefit for years before any official organisation existed. There was thus a solid foundation for a Government scheme of unemployment insurance. Has anything of that kind been attempted in India?

In dealing with a Resolution of this kind, Sir, we on these Benches have to look to the personality of the Mover of the Resolution, even more than to the subject-matter of his Resolution. This Resolution has been moved by my Honourable friend, Mr. Joshi, and in his hands or rather from his mouth it means something rather different from what it might mean supposing it had, for example, been put forward by my Honourable friend, Mr. James. My principal complaint against Mr. Joshi and those who think with him is that they are always calling upon Government to do this and to do that, whereas their own attitude is singularly unhelpful. I cannot but believe that if Government were to arm themselves with dictatorial powers,—and I imagine that that is a point on which this Assembly would have a good deal to say,—Mr. Joshi and his friends would be the

[Sir Frank Noyce.]

first to protest, unless those dictatorial powers were used entirely in the way they wished. Governments in these days cannot act independently of public opinion and it is difficult for Government to help those who are so little anxious to help themselves. Only a month ago, a session of the National Trade Union Federation was held in Bombay. I do not know whether Mr. Joshi was present there or not. Mr. Joshi admits that he was present. I should like to read to the House what the President of that Federation had to say on this question of unemployment. Here is his paragraph headed "To the Unemployed Great":

"This brings me to the consideration of the problem which I have just mooted. Where to get the Unions workers of the right type? In my opinion, the workers must be found from the vast body of the educated unemployed. My communist comrades may sneer at me and ridicule the idea of getting assistance of the bourgeoisie to fight for the proletariat. My daily duty brings me in touch with the type of the unemployed of whom I am speaking. Their poverty and misery have brought them down to the level of the proletariat. Within my limited experience, I have come across the finest materials among them quite fit to be soldiers and in time to be leaders of the proletarian movement. What many of them lack is not the temperamental equipment, but the power of initiative. The field for labour organisation is immense. It can support a considerable number of the unemployed if the latter can call into play the resourcefulness to organise unions and have the common honesty to render account of the funds collected by them."

Two more paragraphs follow on the same lines, but I will spare the House further details. What I do wish to emphasise, and it is for that reason, I have given this quotation to the House, is that this was all that the President of the National Trade Union Federation had to say on this important question of unemployment. If that was the only solution he had to offer, if that was the only solution that he presumably as a labour leader of experience had to offer, how can Government be expected to come forward with a ready made solution themselves? But I am prepared to admit that it is not fair to ask Mr. Joshi or even the trade unions to accept responsibility for what the President said. So I will turn to the Resolutions which presumably express the minds of those present. The Resolution on the industrial situation is too long to quote, but it includes the recommendation of the following measures:

(i) Immediate reduction of working hours to at least 40 without reduction of pay and a drastic reduction of overtime, as a means of diminishing unemployment.

(ii) Restoration of the 'economy' cuts in social services, in wages and salaries of the subordinate grades of public employees.

(iii) Increase in wages in private industries and the devaluation of the unit of currency as adopted by the U. S. A., as a means of increasing the purchasing power."

This, moreover, is apparently to be done by legislation. Mr. Joshi suggests spreading employment by reducing hours. I entirely agree with that principle; but what is the use of attempting this if he and his friends are going to couple it with a demand that the employer will pay 50 per cent extra,—for that is what it amounts to,—for every hour that is worked? If that is what Mr. Joshi means by protecting the worker against reduction of wages, can the House be surprised that I should be reluctant to walk into the lobby with him in support of what he describes as "immediate steps"?

But I do wish the House clearly to understand that we on these Benches realise that we are closely concerned with this problem and that we are doing what we can, though it may fall far short of what Mr. Joshi would like. I am prepared to go some way to meet him. If he is prepared to substitute for "to take immediate steps", "to pursue such measures as

may be practicable" and to omit the word "increasing", I am prepared to accept his Resolution as thus amended, though I must make it perfectly clear that Government's view of what may be practicable will probably be found to differ very considerably from his, and that they regard the restoration of economic prosperity as the best means of protecting the worker against unemployment and reduction of wages. To that end their measures will continue to be directed.

In conclusion, Sir, I might perhaps say a word about the amendment moved by my Honourable friend, Rai Bahadur Lala Brij Kishore. I have no great objection to it, though I do not think it adds anything substantial to the Resolution, and it is possible to take exception to it from a purely verbal point of view. He wishes that after "workers" the following should be inserted: "of all classes including the agricultural, industrial and the educated". There is no reason whatever why an agriculturist or an industrialist should not also be educated. I am, therefore, prepared to accept Mr. Joshi's Resolution if he is willing to have it worded as follows:

"That this Assembly recommends to the Governor General in Council to pursue such measures as may be practicable to protect the workers in the country against unemployment and reduction of wages."

I trust my Honourable friend will be able to accept this.

Mr. N. M. Joshi: Mr. President, the debate that has taken place on my Resolution is, on the whole, satisfactory. Before I make up my mind whether I should accept the suggestion of the Honourable Member for Industries and Labour, for the modification of my Resolution as he wants it, I would make a few remarks in reply to the criticism which has been offered on my Resolution and specially on my speech. As I said at the outset, the debate was a satisfactory one and I would also say, the criticism which was begun in a very friendly tone by my old friend, Mr. B. Das, was also on the whole a friendly one. I am very grateful to my old friend, Mr. Clayton, for saying a few things about me personally. He was also friendly, although he said he opposed my Resolution.

I feel I was honoured by the Honourable the Finance Member taking part in this discussion. He found fault with some of my statements. He said that my Resolution was a narrow one and it referred only to industrial workers: I make it quite clear that my Resolution was not a narrow one. My Resolution includes all classes of workers. It is true that, while dealing with my Resolution, for want of time I had to deal mainly with the industrial workers. It may also be true that I restricted my remarks mostly to the industrial workers on account of the limits of my knowledge; but the wording of the Resolution is wide enough to cover agricultural workers as well as other workers whom some Members mentioned. The Honourable the Finance Member also stated that certain premises of mine were faulty. He said that in certain industries production has gone up. I myself admitted that fact, that in the textile industry and in some other industries production had gone up; but there are some industries in which production has gone down and I mentioned mining; and, moreover, unfortunately we have not got figures of unorganised industries as regards production; and for want of figures the Honourable the Finance Member may say that my premises were wrong. But I also may say for the same reason, that his premises are wrong. I do not wish, therefore, to go into that question at all. The Finance Member also said that he was prepared to consider schemes to create employment if the schemes were financially sound ones. Now, it is difficult to say which schemes are financially sound

[Mr. N. M. Joshi.]

ones, if you take into consideration all the effects of a particular scheme. A scheme may be regarded by some to be financially sound only if it directly shows good financial results. But a scheme may be financially sound although we may not be able to show directly that it has produced a good financial return. Take, for instance, the schemes for clearing slums or building roads or generally for increasing the comfort of human beings. These schemes cannot show direct or immediate financial results. At the same time, is anybody prepared to say that these schemes for increasing human comfort will not ultimately be financially sound? I, therefore, think that it is wrong for a Government to examine schemes from a narrow point of view and expect that every scheme must produce financial results immediately. I hold that whatever is done to increase human comfort and human happiness will ultimately produce good results, financial or otherwise. He said also that, if we take loans for public works we may have to pay interest. Yes, we shall have to pay interest; and I hold that even if we have to pay interest for some years, the capacity of the country to bear additional taxation will also ultimately increase. Therefore, we should not be afraid of undertaking schemes for public work even with loans. If the schemes are on the whole well thought out, they will increase the capacity of the people to pay more taxation.

Mr. James, I think, followed the Honourable the Finance Member, and I was very glad to hear from him that at least on this occasion he looked at the proposals which I had made with a determination to agree with as many as he could. I hope the Honourable Member will take up this attitude as regards myself hereafter also. I was very glad that Mr. James again laid special emphasis on the necessity of the Government of India undertaking planned economics—a plan for the economic development of this country. As I said in my opening speech, even the Governor General had admitted the necessity for a plan. What we want Government to state definitely is, are they going to undertake a plan or not? Have they at least begun considering a plan for the economic development of the country or not? From what we see of their efforts, we feel that they have no plan. They may be doing something but in a haphazard way. I would, therefore, like . . .

The Honourable Sir Frank Noyce: It is obviously impossible to formulate any plan without the material on which to base it. We have made a start, as the Honourable the Finance Member mentioned, with the collection of that material: he read out the terms of reference to Professor Bowley and Mr. Robertson and the Indian economists who are associated with them, which shows what we are doing in that direction. You cannot formulate any plan *in vacuo*.

Mr. N. M. Joshi: I quite admit that before Government make a plan, they will require some statistics. But unfortunately the world is now suffering from the depression terribly, and if we are going to wait for the collection of statistics by Mr. Robertson and Mr. Bowley,—and I am told that they themselves are not going to collect statistics, but they are merely going to suggest to the Government of India how statistics should be collected,—if we have to wait for their Report, then, I am afraid, we shall have to wait for very long, and I feel that the whole House will agree with me that the Government of India must show greater energy and greater vigour in this matter. Statistics are

necessary,—I don't deny it, but if we are going to wait for years and years before all these things are slowly matured, I am afraid we shall be too late in our efforts. The world is not waiting for all these statistics. They are necessary for everybody, but the other countries in the world feel that the times in which we are living are indeed very hard times, and the gravity of the occasion demands that we should take some remedial steps without delay, and without waiting indefinitely for statistics.

Now, Mr. President, there were other speakers who took part in the debate. I do not wish to deal with their suggestions, but I can summarise them in a general way. Some of them said that I should have mentioned agricultural workers, and some said that I should have included the middle class workers. I made it quite clear in my speech that I did not want to exclude anybody. I myself said that the problem of unemployment could not be solved if we merely took one class. The problem can only be solved if we tackle it in its entirety. If there is sufficient employment for agricultural workers, there will be employment for industrial workers also, and in spite of the references made to the Central Educational Board, let me make it quite clear that the establishment of a Central Education Board is not going to create employment. The only thing that will create employment for the middle class people or the educated people is the creation of employment for the agricultural and industrial workers. A certain number of the educated people will be employed in the proportion to the employment of industrial and agricultural workers. After all, Government are not going to employ all the educated people. They must be employed by industries, agricultural and otherwise. If there is not sufficient employment for the people who work with their hands, there is not going to be employment for the middle class workers. I would, therefore, suggest to those people, who are interested in the removal of unemployment amongst the middle classes, that they should pay more attention to the removal of unemployment of the industrial and agricultural workers.

Then, Mr. President, I would only say a few words with regard to what the Honourable Member in charge of the Department of Industries and Labour said. He first said that I was not generally satisfied with what Government did, and that there was a limit to which Government could go on account of the Constitution. He also said that he would have to carry public opinion with him, he had not got dictatorial powers and that he must take the House with him. Well, whether the Government possess dictatorial powers or not, is not a matter that I would like to touch on on this occasion, but may I ask my Honourable friend one question? Has this House ever refused to pass any labour legislation which he or his predecessors in office ever brought before this House? If the Government do not bring forward legislation, Government cannot blame the Legislature for not doing anything. The Legislature nowhere in the world has done much by way of private legislation. Whatever is done is generally done by Government, and it must be said to the credit of this Legislature that they generally approve of what Government proposes,—not that I am satisfied with what they do, but the Legislature has shown wonderful confidence in Government in the matter of labour legislation

Dr Ziauddin Ahmad: And in all legislation.

Mr. N. M. Joshi: I, therefore, feel, Sir, that the Government of India need not hesitate on the ground that there will not be support in the country or in this Legislature.

Then, Mr. President, the Honourable Member in charge also said that the Government were doing a great deal and that I was doing injustice to them. May I ask, whether Government are quite sure that they will get a majority even in this House if they bring forward a Resolution to the effect that this Government have done their duty in the matter of creating employment in this country? I am sure, they will not get a majority even in this House if such a Resolution were brought forward. They have given protection to certain industries, but even, while doing so, they could have protected the interests of the workers in those industries, but they have taken no steps to do that. It is not difficult for a Government, when they offer protection to an industry, to insist that in that industry there shall be **no unemployment**, that the employer shall not discharge men who are already employed. The Government can also insist that in an industry, which is protected, the wages shall not be reduced. Have the Government of India done that? I am quite prepared to admit that they have passed certain measures for protecting the industries, but they have not shown any desire for protecting the workers employed in those industries.

Then, Sir, as regards the measures for relief, the Honourable Member stated that this was a provincial matter. It is true that the relief of the poor is a provincial subject, but is it not also true that the world has now found that it is difficult for a Local Government to deal with the widespread problem of unemployment? In America, they used at one time to hold the view that the **problem of unemployment** could be solved by States individually, but they have now found by experience that it is impossible to solve the problem by States or by provinces individually. A Central Government have to tackle that problem. It is quite possible that the Central Government may take the help of the Provincial Governments in this matter . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member must now conclude.

Mr. N. M. Joshi: Mr. President, I shall not take any more time on this subject. I feel on the whole that the Government have not really done what they should have done. They should have shown greater vigour and greater expedition in this matter, and I would add that the solution of this problem is not merely in the interests of the workers. The unemployment of the workers and the reduction of the wages of the workers affect the soundness of the position of the industries also. If you relieve unemployment, and if you see that the workers are paid adequate wages, these two measures will help to put an industry on a sound basis. Therefore, my proposals are necessary and desirable in the interest of the industry itself. And I go further and say that the **relief of unemployment** and the adequate payment of wages of the workers are necessary in the interests of the country itself. The protection and maintenance of the skill of a worker, and of his enthusiasm for work is in the interests of the country. The willingness of a worker to work and his skill are a form of capital which is more valuable to the country than the capital which the capitalists invest in the industry. I, therefore, feel that the adoption of

the measures which I suggest is necessary in the interests of the workers as well as of the industry and the country. As regards the amendments, I am quite prepared to accept the wording suggested by the Honourable Member in charge of the Department of Industries and Labour. He suggested a particular interpretation of the acceptance of the Resolution. Well, let the Honourable Member remember this, that when we pass this Resolution, this will be a Resolution of the House. The House will interpret the Resolution according to its lights; the Government may interpret the Resolution according to their lights; and I may interpret the Resolution according to my lights. We are free, all of us, in that respect. But on the whole, I feel that I shall be justified in accepting the amendment which the Honourable Member in charge of the Department has proposed. I, therefore, thank him very much for accepting the Resolution even in that modified form.

Rai Bahadur Lala Brij Kishore: I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That for the original Resolution the following be substituted:

"That this Assembly recommends to the Governor General in Council to pursue such steps as may be practicable to protect the workers in the country against unemployment and reduction of wages'."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly recommends to the Governor General in Council to pursue such steps as may be . . ."

The Honourable Sir Frank Noyce: May I say that my suggestion was "to pursue such measures as may be practicable", and my Honourable friend has accepted that wording.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly recommends to the Governor General in Council to pursue such measures as may be practicable to protect the workers in the country against unemployment and reduction of wages."

The motion was adopted.

RESOLUTION *RE* EXCISE AND IMPORT DUTIES ON KEROSENE AND OTHER MINERAL OILS.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): I move:

"That this Assembly recommends to the Governor General in Council that steps be immediately taken to equalise the rate of excise duty and the import duty on kerosene oil and also on other allied mineral oils on which the rates of excise and the import duties are different."

[Mr. S. C. Mitra.]

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The present excise duty is two annas and $9\frac{1}{2}$ pies and the import duty is three annas and nine pies, and the difference is $11\frac{1}{2}$ pies. My suggestion in this Resolution is that there should be no difference between these two duties on export and import. In reply to a question in this Assembly on the 26th January, the Honourable Sir George Schuster said :

"The difference between the rates of excise duty and customs duty on kerosene is at present $11\frac{1}{2}$ pies per gallon. During the year 1932-33, the exports of kerosene from Burma to India were about 126 million gallons. The difference between the two rates of duty, when applied to this quantity, amounts to Rs. 74 lakhs of rupees."

So it is clear that if we increase the excise duty only on the quantity that comes from Burma alone, the Indian Exchequer can get Rs. 74 lakhs. I have not got the figures about the quantity of oil that is produced in the Punjab by the Attock Oil Company and in Assam by the Assam Petroleum Company. But if we take those amounts also into consideration, I think the difference may be nearly a crore of rupees a year. I have got the figures for 1930-31 in the books published about Assam and the Punjab. It was 17,464,543 million gallons for Assam and 20,53,989 million gallons for the Punjab. The figures for Burma for the same year were 110,257,926 gallons which have now been increased to 126 million gallons. So, if there has been an increase, it will be about another 40 million gallons from the Punjab and Assam and, in round figures, if we raise the duty, it will benefit the Indian Exchequer by about a crore of rupees for India and Burma. In my Resolution I have not definitely said that the excise duty should be increased to the same level as the import duty. I have merely suggested that it should be equalised, and my grounds are these.

My contention is that, due to these differential rates, this large sum of money goes into the pockets of the kerosene pool of which the Burma Oil Company is the chief factor. I shall presently show, quoting figures from Government books, that the price of kerosene is fixed according to the rates of the imported oil. If the import duty is lowered, then the poor Indian people will be benefited, and, in these hard days, even a small reduction in the price of kerosene will help them a great deal. It is for the Finance Member to decide what he should do. My only duty is to show him that there is a large amount of money, about a crore of rupees, that goes into the pockets of the indigenous manufacturers all these years, and I shall presently show what this indigenous manufacture means. It is not more than five per cent. Indian, I mean, of the total Indian production of kerosene.

Mr. R. S. Sarma (Nominated Non-Official): Question.

Mr. S. C. Mitra: You will have the answer also. This question was raised as early as 1922 by an Honourable Member from the European Group. Then the difference was $1\frac{1}{2}$ annas. I will read from his speech—it is a speech of Sir Frank Carter on the 7th March, 1922, in connection with the general discussion of the Budget. He said :

"The import duty on foreign oil used to be $1\frac{1}{2}$ annas per imperial gallon. It is now raised to $2\frac{1}{2}$ annas per gallon. Government have also imposed an excise duty

of one anna per gallon on kerosene oil produced in India. I do not myself see why this excise duty should not be the same as the import duty on foreign oil, viz., 24 annas per gallon. Most of the oil produced in India comes from Burma and we all know that the oil companies are some of the richest and largest companies in the world. Is there any reason why the oil companies of Burma should be let off so cheaply? It is not as if all the profits they make are spent in India."

That was the view of the then representative of the European Group, Sir Frank Carter. I shall now refer to the views of Sir George Rainy, whose views are always held with great respect in this House, whether by the Official Benches or the Opposition. In the year 1930, during the discussion of the Finance Bill, this very same question was raised. I refer to page 2126 of the Debates which contains Sir Purshotamdas Thakurdas' views and then I shall refer to the speech of Sir George Rainy. Sir Purshotamdas Thakurdas says:

"On page 55 of the Tariff Board Report, this is what he (Sir Padamji Ginwala) says: 'Both indigenous and foreign kerosene are sold by this group at the same price'. There is a combination; the importer and the local producer both work together. The obvious inference, therefore, is that the extent to which the excise duty is lower than the import duty, to that extent the profit of the indigenous companies is increased."

Then, there was a further question in that debate whether the producers in India could claim, under the policy of discriminating protection, that that was the accepted policy of the Government of India. Referring to this, Sir George Rainy said:

"In some cases there may be a claim to protection which may or may not be held to be established, but what is the position in this case. The arguments I have listened to from the European Benches seem to me to approach perilously near to this position, that because the industry has for a period of a quarter of a century enjoyed the benefit of a difference of one anna six pies per gallon between the excise duty and the import duty, therefore that difference must continue for an indefinite period. Looking at it, as I look at all these questions, from the point of view of the policy of discriminating protection, I find it very difficult to understand how an attitude of that kind is to be justified. The policy of discriminating protection is that industries are to be protected until they can stand alone and dispense with protection. It is true that, in this case, the import duty on kerosene was not originally imposed as a protective duty, but as part of the system of revenue duties which at the time of its imposition were the only kind of duties in the Indian tariff. Still let us take it on the basis that at one time the duty may have been required to keep the oil industry going. Let us take it on that assumption. A period of a quarter of a century has elapsed, and that being so, is it not fair to ask whether in existing circumstances, the retention of that difference between the two rates of duty is still necessary in the interests of the Indian industry. What do we find? I would refer to the same figures which have already been quoted by my Honourable friend Sir Purshotamdas Thakurdas, from the Majority Report of the Tariff Board. It appears from these figures that, out of a total share capital of the Burma Oil Company,—a company which is responsible for rather more than three quarters and rather less than four-fifths of the total production of crude oil in India,—it appears that of the total ordinary share capital of £6,800,000, only a little over £1,300,000 is subscribed capital, and about £5,500,000 consists of bonus shares. In addition, there are £4,000,000 preference shares. In the year 1927, the dividend declared on the ordinary shares was 20 per cent. That is, it must have been a little over £300,000 on the ordinary shares, and the dividend on the preference shares, in addition, brings that figure up to something over £1,600,000. The total subscribed capital is £5,300,000, and the proportion of the two dividends together on the total subscribed capital is nearly 30 per cent."

Further on, he says:

"If a new application for protection comes forward, it is always very carefully and narrowly scrutinised, and the recommendations which have hitherto received the approval of the House have always been on the basis of giving no more than was really necessary to put the industry on a sound basis. Unless we abandon that policy, I do not see how we can consistently defend a position which amounts to this that,

because an industry has for a quarter of a century enjoyed actual protection of a certain amount, owing to the difference between the excise duties and the customs duties, therefore this difference must be regarded as sacrosanct and the Government must in no circumstances interfere with it."

Then, further on, he says:

"The only question is this; is the industry making large profits and is there reason to believe that those large profits are due to the difference between the customs and the excise duties. Whether it is one company or several companies to any mind, makes no difference at all."

From these statements it is clear that, on the ground of discriminating protection, this industry, which has now for more than 30 years been giving dividends of over 30 per cent., cannot claim any special protection. I have calculated the figures here and I find that the total dividends it has paid is £33,907,253. This is about the Burma Oil Company. The dividends are given in the Tariff Board's Report and I have merely multiplied the percentage of dividend declared each year by the capital of that year, and if you want it, I can read it. The dividend varies from 10 to 50 per cent. from the year 1902 to 1927.

Mr. R. T. H. Mackenzie (Nominated Non-Official): Could you let us have the figure for 1925, which you have worked out?

Mr. S. C. Mitra: In 1925, it was 35 per cent., which amounts in money to £3,202,918.

Mr. R. T. H. Mackenzie: The actual dividend in that year was 18½ lakhs of pounds of which something less than 16 lakhs of pounds was paid on the ordinary shares.

Mr. S. C. Mitra: I am giving these figures from the Tariff Board Report, page 7. If you multiply the dividend by capital, you get the figures. Do you question the accuracy of the Tariff Board figures?

Mr. R. T. H. Mackenzie: No: but I question your working of them.

Mr. S. C. Mitra: Working is mathematics. Learn better mathematics and you will find it. In 1926, it was 30 per cent. and in 1927, it was 20 per cent. I could read the whole thing. You can test it at your leisure. In 1902, the invested share capital was 1,145,114, dividend 15 per cent. Amount of dividend comes to 171,767. In 1903, the invested capital was £11,556. The total capital was £1,156,670. The dividend was 15 cent. and the amount of dividend was £173,500, and the largest I find in the year 1919. The dividend was 50 per cent. and the amount of dividend £1,978,750 and, in 1924, it was 35 per cent. In 1925 also, it was 35 per cent. and the total comes to this

Mr. E. S. Millar (Burma: European): How much of that dividend was earned in this country and how much of it came from their foreign investments?

Mr. S. C. Mitra: That is not the issue. You hear me first. The total bonuses up to date comes to the total of £5,580,564. So the total of the dividends paid up to date *plus* bonuses comes to nearly £40 million on a capital of £6 million! I would like to refer my friends to page 7 of the

Indian Tariff Board's Report. On page 7, the total of the ordinary capital is given as £6,868,256, preference shares £4 million total £10,868,256:

"In addition, in 1903, £500,000 debentures were outstanding, but these were all paid off by 1913. Of the ordinary capital of £6,868,256, £5,590,564 represents bonus shares. The following distributions of dividends have been made on ordinary shares."

All these figures are given on pages 7 and 8, which show dividends having been paid ranging from 10 per cent. to 50 per cent. Then, they remark in the majority report:

"It appears, therefore, that an original holder of £100 shares in this Company would now hold shares of the nominal value of £540 which, at the present market quotations, would be worth £2,400 and, in the period 1902-1927, would also have received dividends of over £1,600."

I think, Sir, you are now satisfied as to how much of these shares has been paid. Thus the bonus shares were more than £ five
4 P.M. million, and dividends of more than £33 million have been paid. Of the ordinary capital of £6,868,256, the bonus capital was £5,590,564. Thus the real capital is only £1,277,692. You can take these figures and try your own arithmetic.

Sir, the Honourable the Finance Member said that if the Burma kerosene oil were subjected to a higher import duty, it was by no means certain that the same quantity would be imported into India, while, if Burma was not a part of India, the Government of India would lose the income-tax. Sir, it is not a fact that if we raise the export duty to the import level, the Burma oil would not come into India. If time allows, I shall show that Burma oil can sell cheaply in India, because it has a monopoly. Why? Because in the nearest market, even in China, it has to undergo competition with the Royal Dutch Shell Group which can supply kerosene from the East Indies. The Tariff Board's Report at page 28 says:

"We should explain here that until 31st December, 1927, the Royal Dutch Shell Group and the Burma Oil Company compensated this Company fully for any losses incurred on account of the price war by paying the full Pool prices existing before the War commenced.

We have already referred to the fact that the Royal Dutch Shell Group have agreed to compensate the Burma Oil Company and the Indo-Burma Oil Company to the extent of half the difference between Chinese prices and Indian prices on their contribution to the Pool."

Now, they have formed a Pool. I shall give more figures to show you that really these three or four English Companies, incorporated in England with very few Indian shares, are monopolising the Indian trade for the last 30 years and more, and I shall still show that it is not for the benefit of Indians and that India has paid crores of rupees because of this monopoly and these Companies have not the semblance of a claim to ask for any discriminating protection as an indigenous industry. As regards the Honourable the Finance Member's anxiety that the income-tax may be lost, I can tell him that by income-tax he certainly claims less than 100 per cent. of the total income. It must be assessed on a certain percentage of the whole income. If he can get Rs. 74 lakhs, he cannot expect to get as large an amount as Rs. 74 lakhs by income-tax. I shall show in another connection how these companies deceive the Indian treasury as well. Sir, what do these large bonuses mean? All this is simply avoiding the income-tax. A Company, with a million and three hundred

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thousand pounds as capital, giving a bonus of more than £5,580,000, means only this that they have avoided the super-tax that is levied in India. This is one of the ways how these big Companies can manage, and Government wink at these deceptions! Did anybody hear of giving such large bonuses, which are an indirect way of making out the income to be less, so that the Finance Member cannot get hold of them under the Income-tax Acts? Sir, the Honourable the Finance Member's anxiety should be more in respect of amending the Income-tax Act, so that, in this unfair way, in the name of bonuses, such Companies should not be able to conceal their real income.

Mr. B. Das: The Bombay millowners did the same!

Mr. S. C. Mitra: Yes, yes, I know all these clever people did so. Sir, I shall quote some of the passages both in the Majority Report and in the Minority Report to show how the prices that prevail in India have very little connection with the cost of production, but they put it near about the rate of the importers.

Sir, I quote now from page 11 of the Tariff Board's Report:

"The Burma Oil Company, the premier oil company in India, by its arrangement with those Companies whose properties are so situated as to enable them to offer formidable competition in the Indian market, viz., the Royal Dutch Shell Group and more recently the Anglo-Persian Oil Company, has secured an organization capable of controlling and fixing the price of oil products in India."

At page 12, the Tariff Board say:

"The Burma Oil Company by its arrangements with those companies operating in countries so situated as to afford opportunities for effective competition in the Indian market, secured to itself and its associated companies the power of controlling prices in India."

The President in his Minority Report at page 65 says:

"The Burma Shell Group sells nearly 95 per cent. of the indigenous kerosene, the only company outside that group being the Indo-Burma Petroleum Company. The Standard Oil Company of New York and the Indo-Burma Petroleum Company follow these prices."

The real competition did not exist in India and there was no one to challenge the Pool's claim to receive the equivalent of the American parity for their petroleum produce. In the Summary, at page 95, paragraph 10, they say:

"The real equivalent of world parity at Indian ports is the price at which under competitive conditions kerosene is or can be imported on a commercial scale. Russian oil has been so imported and landed in India duty paid at Rs. 3-10-7 per unit for superior and Rs. 3-7-11 for superior and inferior combined. On these figures the indigenous industry has been realizing prices very considerably above world parity."

In para. 15, it is said:

"There is evidence which suggests that all petroleum products are being sold in India at exorbitant prices owing to oil business being in the hands of Oil Trusts, and that the consumer has to pay a sum which may amount to Rs. 5 crores per annum in excess of economic prices."

From these quotations I would like to show that these Companies cannot claim any preferential treatment from the Indian Government at the expense of the poor consumers. Sir, it is because of these cases that, during the last five years of the régime of the Honourable the Finance Member, the poor Indian peasants and cultivators and others had to pay an additional taxation to the tune of not less than 40 crores of rupees. Is it not his function, now that he is retiring, to see if he can relieve the Indian tax-payer to some extent from these heavy additional taxations. Sir, I understand that the British Government at home are now restoring the cut in the salaries of the officials. It was taken up here as an emergency measure. As an emergency measure,—what does it mean? It infringes strictly the conditions of service of the officials in India. If we can afford to pay full salaries to our officers, why should we not do it? These are some of the sources which remain untapped and I very humbly request the Honourable the Finance Member to see if it is possible for him to get money from these sources which are now being monopolised by people who have no special claim for a discriminatory treatment. I challenge Honourable Members here to show if the poor Indians hold even five per cent. of the shares in these big Companies. Sir, if my time is not up, I will take only a few minutes more.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has spoken for more than half an hour and he should now bring his remarks to a close.

Mr. S. C. Mitra: Sir, it is a subject that takes time. If you like, I will close my speech; but if you allow me to continue for a few minutes, I shall be glad.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member can speak for five minutes more.

Mr. S. C. Mitra: If the question is raised by any Member, I shall subsequently show that even so far as the inferior quality of oil is concerned—for which some Members in the past claimed that India had been very much benefited by these combines—India has paid more even as regards the inferior quality of kerosene as well. It was not due to any special consideration for the poor Indian that the rate for the inferior Burma oil was put at a lower rate.

Raja Bahadur G. Krishnamachariar: How about the consumer?

Mr. S. C. Mitra: The Resolution that I have moved merely says that the rates may be equalised, but the Honourable the Finance Member can, if he likes, lower the rates or he may put a middle figure by raising a bit the export duty and lowering the import duty. What I claim is that this differential treatment does not help anybody in India except the group of foreign manufacturers. I will now refer to page 5 of the Report where it is said:

“The Burma Oil Company has advanced the Assam Oil Company £900,000 and holds 90 per cent of the share capital of that Company. The British Burma Petroleum Company has no separate marketing organisation but utilizes the agency of the Burma Oil Company for the sale of its products. The Rangoon Oil Company is practically identical with the British Burma Petroleum Company, the latter Company holding 96 per cent. of shares in the former. The Rangoon Oil Company produces only crude oil, the whole of which is sold to the British Burma Petroleum Company.”

[Mr. S. C. Mitra.]

The other group is:

"The Indo-Burma Petroleum Company under the management of Messrs. Steel Brothers has its own marketing organisation and is in no way connected with the Burma Oil Company. It holds 33,000 out of a total of 250,000 shares in the Hessford Development Syndicate which is a private company, while Messrs. Steel Brothers hold 66,402 shares. The companies are, therefore, very closely associated. The Attock Oil Company is under the management of Messrs. Steel Brothers who also hold 446,805 of the shares but utilizes the Burma Oil Company's organisation for the marketing of its products."

I can show from Government reports that it is really the combination of these few British Companies which are incorporated in England and which belong to the same class of shareholders that almost monopolise the Kerosene trade and fix the price of kerosene without any reference to the cost of production.

I would like to emphasise one point and I hope the Honourable the Finance Member will help the House by giving figures. It is said that to this group also belongs the Anglo-Persian Oil Company. 56 per cent. of the capital of this Company is said to be subscribed by the British Government, 28 per cent. by the Royal Dutch Shell and only 16 per cent. from public subscriptions. If this is a fact, this Anglo-Persian Oil Company also form a very large and important factor in this pool. Then if the British Government hold as big a percentage as 56 of the capital, of course, I am speaking subject to correction, then the Company's influence with the British Government may be so great that all our efforts to tax them properly will fail. I know the difficulties of the Honourable the Finance Member in this case, but I hope he will try his best to convince the Secretary of State, who is responsible to the British people. The Secretary of State is not responsible to India, yet we appeal to the Honourable the Finance Member that he may see that the Indian interests do not suffer and that this large amount of money is added to the Indian Exchequer and thus mitigate the heavy taxation that has been imposed on the country during the last few years. The economic depression is very great and yet India is paying a higher and higher amount of taxation. Sir, if the Budget is balanced by heavy taxation alone, I certainly hold that much great claim cannot be made for good government in this country.

Sir, I move my Resolution.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Resolution moved:

"That this Assembly recommends to the Governor General in Council that steps be immediately taken to equalise the rate of excise duty and the import duty on kerosene oil and also on other allied mineral oils on which the rates of excise and the imports duties are different."

Mr. R. S. Sarma: Mr. Deputy President, I very strongly oppose this Resolution and, I do so, because, I think, from the political point of view, the moving of this Resolution at this moment is most inopportune and all my arguments will be based on that. Therefore, if Honourable Members will wait, they will understand why it is so. Sir, my Honourable friend, Sir Frank Noyce, in the course of his concluding remarks on the last Resolution a few minutes ago, said, that the value of the Resolutions that are moved on the floor of the House should be considered not only from the merits of the Resolutions, but also the quarters from which they emanated. Sir, judging by that standard, I suspect the quarters from which this Resolution has emanated.

Mr. S. C. Mitra: If the Honourable Member is honest, he will say plainly what he means and what are his implications.

Mr. R. S. Sarma: I am not insinuating anything at all. It is a plain statement and if only my Honourable friend had waited and listened to what I was going to say, he would regret having challenged me now. I say that if this is purely a revenue measure, for the purpose of getting to the coffers of Government nearly a crore of rupees, if this suggestion had come in the Finance Bill or if it had come as a separate measure from the Honourable the Finance Member, I would have perfectly understood it and we, on our part, would have supported it. But this does not come from that quarter and the Honourable the Mover himself has emphasised that that was not his view. If, however, this is based upon two arguments, namely, firstly, that in all parts of the world, there is always some sort of parity, there is fiscal equality between the excise duty and the import duty and that we should bring our own country's fiscal position along lines which obtain in other countries, then I think the Resolution can claim a large measure of support. If, on the other hand, my Honourable friend can prove that nearly one crore of rupees can be got for the Government by undertaking this measure and only from that point and that point alone he is moving this Resolution, then there is some justification for giving the same support. But my Honourable friend has made it plain from the very beginning that neither of these two things are his intentions. His whole idea is that from the Burma Oil Company, a British concern, he wants to take about a crore of rupees from the profits they are making and give it over to the Government of India simply to teach a lesson to the British Company.

Mr. S. C. Mitra: Who pays it? Is it not the Indian consumer?

Mr. R. S. Sarma: With regard to what the Indian consumer gets in this House and how his cause is championed, I will have a good deal to say when the Tariff Bill comes up for discussion, because I find in this House all sorts of preposterous motions on behalf of consumers are made but, I make bold to say, it is only the importers who are masquerading as consumers who are able to get the ear and support of most Honourable Members of this House. In the present instance I do not see any consumer has sent any representation to my Honourable friend, Mr. Mitra, or any one in this House to take up his cause with regard to the kerosene oil. Well, Sir, I myself am a consumer and my Honourable friend, Mr. Mitra, who perhaps lives in the townside, may not consume kerosene oil at all, but I live in the countryside in Southern India where there is no electricity, and kerosene oil is used in my part of the country much more than in the part of the country from which my Honourable friend, Mr. Mitra, comes, and so, I am the real consumer of kerosene and, therefore, I would challenge my Honourable friend to bring out a single telegram from any consumer protesting against the existing conditions and asking that a Resolution of this character should be moved. I was saying, Sir, that I have to oppose this Resolution on political grounds and they are these. Unfortunately, Sir, for the last four or five years, we have been seeing both British officials and British merchants going before the Round Table Conference and before the Joint Parliamentary Committee always asking for safeguards.

Mr. S. O. Mitra: The British merchants are asking for the separation of Burma because of their interest in the Burma Oil Company.

Mr. R. S. Sarma: That point does not arise here. I was saying, Sir, that British officials, as well as British merchants, are going before the Joint Parliamentary Committee and before the Round Table Conference and are asking for safeguards. I say, Sir, that if my countrymen like my Honourable friend, Mr. Mitra, and others have not been pursuing these tactics, I do not think that that question of safeguards would have been raised, nor would our European friends have pressed as they have done so before the Joint Parliamentary Committee and the Round Table Conference, and who can deny that they have had sufficient justification for doing so. In this connection, Mr. Deputy President, I may relate to you a small incident which I heard from some influential friends in England. When at the last Joint Parliamentary Committee, some people were asking for safeguards, Lord Derby and Lord Salisbury and a few other British Members of the Joint Parliamentary Committee honestly felt that British commercial interests were asking for safeguards out of suspicion of the future Indian Government and did not want to take much serious notice of it and wanted to convince the witnesses before them that their suspicions were unfounded and that they were wrong in pressing for those safeguards. But, during the course of the day, in the course of examination of these witnesses by some of our own Indian friends, questions were so put that these very gentlemen were convinced that those people who were asking for safeguards were perfectly justified if the future governance of the country would be entrusted in the hands of these Indian members who were putting those questions.

Mr. S. O. Mitra: Did I not tell the House that it was an honest Englishman, Sir Frank Carter, who took up this point before Indians and an Indian like you now oppose it.

Mr R. S. Sarma: I am opposing it on political grounds alone as I said before.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): What is your politics?

Mr. R. S. Sarma: I cannot understand your question. I am perfectly willing to answer the Honourable Member's question, but the Honourable Member is always very unintelligible and, therefore, it is very difficult to understand his questions. Sir, what will be the effect of this Resolution? Here, my Honourable friend, Mr. Mitra, twice emphasised that the shareholders of all these concerns were all Britishers and that they were pocketing all this money, and that they were deceiving this Government and, therefore, he was suggesting some sort of discriminatory treatment. His arguments virtually amount to that. I say, Sir, arguments of this nature are going to strengthen the hands of the die-hards at home who are asking for more safeguards, and they would now say, in the light of the present experience, that they were perfectly justified. Then, my Honourable friend challenged me to show whether even five per cent. of these companies had Indian shareholders on their registers. So far as I know, there are only about five or six prominent concerns which are producing oil in this country, namely, the Moola Oil Company, the Indo-Burma

Petroleum Company, the British Burma Petroleum Company and the Burma Oil Company, and my Honourable friend challenged me to show whether there were more than five per cent. of Indian shareholders on these Companies.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Would my Honourable friend, Mr. Mitra, be surprised to hear that, in the Moola Oil Company, the shareholders are all Indians? With regard to the Indo-Burma Petroleum Company, would my friend be surprised to hear that nearly 75 per cent. of them are Indians or, to be more correct, there are 708 Indian shareholders as against a total of 1,098 shareholders. With regard to the British Burma Petroleum Company, out of 11,020 shareholders, there are 9,440 Indian shareholders. With regard to the Burma Oil Company, against whom all the attacks are directed, they have got a large number of Indian shareholders. I have not got the figures at present, but would my Honourable friend be surprised to hear that if he cares for it, perhaps I could ask my Honourable friend, Mr. Mackenzie, to transfer to my Honourable friend, Mr. Mitra, as many shares as he likes. The Burma Oil Company shares are as much in the market as any other shares are in the share market, and any Honourable Member of this House, if he cared, could buy them.

Mr. B. Das (Orissa Division: Non-Muhammadan): What is your brokerage?

Mr. R. S. Sarma: I do not take any brokerage. It is the peculiar good fortune of certain Honourable Members of this House and I have not tasted it. Now that the matter has been raised on the floor of the House—I have never made any personal reference of any character in this House, but as this matter has been raised, let me give one information on the floor of the House, which some of my Honourable friends, who represent the Burma Shell in this House, can endorse, namely, that I myself had a Burma Shell agency getting about Rs. 1,500 a month till two years ago for the last few years, and as soon as I became a Member of this House and took up the work of journalism in Calcutta, I informed the Burma Shell Company in Madras that, in view of the fact that these controversial matters are likely to come before the House and in view of the fact that from day to day the affairs of the Burma Shell Company are being discussed on the floor of the House, I feared that even if I supported the Company, honestly, motives would be attributed to me, and, therefore, I begged of them to allow me to resign the agency. I wish some Honourable Members of this House could show an equally good record. Sir, the point was made out that all the money from this concern went only into the pockets of Europeans. To show how much of the Indian revenues are benefited by them, I have been able to get a few figures which would interest this House. In 1931 alone, the indigenous industries contributed to both Central and Provincial revenues, in the form of royalties, no less than 1½ crores. Again, the Burma Oil Company bought in this country alone in India stores worth about one crore of rupees in one year.

Dr. Ziauddin Ahmad: Does it include petrol also or only kerosene?

Mr. R. S. Sarma: Another point which my Honourable friend, Mr. Mitra, pressed was that, because of this monopoly, they were regulating the prices and influencing the world prices in this matter. I put it that it is entirely wrong, because, from the figures that he himself can find from the Indian Tariff Board Report, he will find that the production of oil in India and Burma amounts to only one-sixth of what is produced in Persia alone, and this is very small compared with the production of oil in the whole world, and nobody can say that with such an infinitesimally small production of oil, they would be able to influence the world prices. Sir, these are some of the grounds on which I strongly oppose the motion, and, as I said, these frequent attempts on the floor of the House and outside to discriminate against Britishers and Europeans in this country have had a very great disastrous effect of tightening up the die-hards at Home against the Indian aspirations.

Mr. President, when you were not in the Chair, I mentioned an instance how by the way in which our own witnesses cross-examined certain Europeans in the Joint Parliamentary Committee, British friends of this country, who were first against the safeguards coming out of the meeting of the Committee, said:

"We thought these apprehensions were founded on suspicions, but, from the way in which your own representatives from India put questions to these members, we are perfectly justified in thinking that, if the governance of this country went to the hands of these people, there would be perfect discrimination, and these European officials and merchants were perfectly justified in asking for safeguards."

Therefore, Sir, in the interests of the country itself, in the interests of creating a better atmosphere to dispel all fears that we in this Assembly and outside are discriminating against the British people in this country, and in view of the goodwill that we will secure, I strongly oppose this Resolution.

Mr. E. S. Millar: Sir, I rise to oppose this Resolution. I have been in the employ of three different indigenous oil producing companies in this country for the last 20 years and I feel I am qualified to speak on this matter, one that deeply affects the interests of the industry concerned.

An Honourable Member of the House on the Opposite Benches once asked for my opinion on the standing and prospects of a certain indigenous oil producing company in which he had invested some money. My reply did not leave him, I am afraid, very happy about his investment, because he expected that his investment must undoubtedly turn to gold. I pointed out to him that any one investing money in the development of oil must look on such an investment as a great gamble. He seemed very distressed and said that, had he known this before he made this investment, he would certainly not have made it and would have put his money into something else. *Apropos* of these remarks, Sir, I should like to point out that, in spite of this Member's anxiety to have an absolutely 100 per cent. safe investment, there is a very large amount of Indian capital invested in this country's oil industry. As you know, Sir, I represent a Burma constituency and, in that province, three out of eight of the oil companies in Burma actively engaged in drilling and producing oil are wholly Indian. Honourable Members present from Burma and the Honourable the Government Member will bear out my statement that, during the 20 odd years

that the three Indian companies to which I referred have been in existence, no attempt has been made by the larger companies to come in their way in the prospecting or drilling for oil or to deny them an outlet for the products. Of the five remaining companies, these we might term not wholly Indian companies, but in these companies there is a very preponderating interest of Indian control, in fact in some of the companies as much as 60 per cent. and, I believe, in one case 75. I am not asking my Honourable friends to take my advice and invest their money in oil. Investment in oil is a definitely risky business. But unless they are prepared to take that risk, let them not begrudge success to their more venturesome brethren, if they have the good fortune to win through.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): May I know at what premium we can get these shares now in the Burma Oil Company?

Mr. E. S. Millar: From the papers it was about £2 a share a few months ago and today they are double that figure.

As an instance of what I have just said, it may interest the House to hear the following facts and figures pertaining to the oil company which I am at present managing, *i.e.*, the Attock Oil Company. That Company has a subscribed capital of one and a half million pounds sterling. Had the shareholders, many of whom are Indians, invested their money in Government paper, instead of this venture to develop an indigenous industry, these shareholders would today have been better off to the extent of 1½ crores of rupees. Further, had the Company not existed and the equivalent of its small production been imported from foreign sources, the revenues of this country would have lost one-third of a crore of rupees since this Company started its operations, while in wages,—I am sorry Mr. Joshi is not here,—in wages to Indian labour, stores purchased in India for drilling and refining the oil, the people of India would have lost the enormous sum of over three crores of rupees. None of this large sum would have been spent in India had the oil been imported. But, instead, the wages paid and the stores purchased would have gone into the pockets of those in the foreign countries producing that foreign oil.

I have just seen in an issue of that weekly paper *Capital*, dated the 1st February, a review of the Assam Oil Company, and I would refer my Honourable friend, Mr. Mitra, and those friends who support his motion, to read that Company's case quoted in the *Capital*. These two Companies, to which I have referred, are at present the only oil producing companies in India proper, while, in Burma, there are eleven companies at present engaged in the industry of producing and winning oil. The exploring of the country for oil deposits is open, as it is for iron ore, coal or any other mineral, to all British subjects, Indian and European alike. The only reason that Indians have not to a greater extent participated, in my opinion, in the search for oil or are not involved in the development of known deposits more than is the case today, is the indisputable fact that Indians have not been prepared hitherto to risk their money on a sufficiently large scale. It is a big risk, of course, and crores of rupees have been fruitlessly spent and entirely lost in the search of oil in this country. It may not be realised by Honourable Members that prospecting for oil is at present being carried out in India at depths down to a mile and more, and such

[Mr. E. S. Millar.]

prospecting, I can assure the House, is a costly business due to the many failures we have before we reach those great depths. In the past, many companies,—and not all small companies at that,—have started up in this country for the purpose of finding and exploiting untapped oil reserves. It is a striking fact that approximately 80 per cent. of these companies have ultimately failed and had to close their doors because they failed to discover the oil which they were searching for. The capital lost in these adventures is estimated at something like three crores of rupees. The aggregate sum which has been spent by only six of the surviving eleven oil companies on fruitless searching for oil, is over six crores of rupees. All this money, a total of nine crores, has been spent in new areas without finding a drop of oil in commercial quantities. All that money has, in fact, gone down the drain. In spite of this, the indigenous companies continue their prospecting work in various parts of the country. My Honourable friend, the Government Member from Burma, with his personal contact with many of those adventurers, will be able to confirm what I have just said. Nothing is heard of these failures however, and the man in the street, and I am afraid, many Honourable Members of this House, only hears of the few successes. Prospecting for oil is the greatest gamble that industry provides and unless encouragement is given, unless the home industry is maintained on a strong and healthy basis, neither will the people of this country be encouraged to risk the large sums of money that have to be risked on the prospector's game of chance, nor will the necessary capital be forthcoming from outside. I would ask you, Sir, if capital would have been forthcoming for the establishment of sugar factories to the enormous extent which is now the case, had not some assurance of security and protection to the sugar industry been given by the Government. To look at the problem from a different angle, what guarantee is there of a continuous supply of oil from foreign sources? Foreign sources are liable to be cut off at any time and are likely to be as soon as world conditions improve. If an organisation is built up on the belief of permanent supplies from Roumania and Russia, what is going to be the position when it does not suit Russia and Roumania to sell to India? This is no vain suggestion. Further, we must consider the effect on the balance of trade. To encourage the importation of foreign oil, when ample resources are available in India, is asking for an adverse balance of trade, and I think my Honourable friend, the Finance Member, will bear me out in this. Surely, from a national point of view, such a policy is fundamentally unsound.

I must here refer to a telegram which I received signed "Ishwardass of the National Petroleum Company". No doubt other Members also have received the same telegram which is a printed one. This telegram is a misleading telegram, either purposely misleading or through ignorance of the real facts. I will shortly prove that the equalisation of duties will not save the country's revenues 74 lakhs annually—as Mr. Ishwardass states and as my friend, Mr. Mitra, also stated: on the contrary, it would actually effect a serious loss to the Government and to the country. He refers to the levelling up of duties and excise avoiding Government revenues troubles. I must admit I cannot see the meaning of this. I think the Honourable the Finance Member will be able to tell this House that no other form of revenue is collected so easily and without cost as the

excise revenue collected from the indigenous oil industry. It would be interesting in fact to know what it costs per lakh of rupees collected from the oil industry, as compared with collecting from other industries or from income-tax. Further, in this telegram, Mr. Ishwardass of the National Petroleum Company waves the flag of the benefits to the poor public. But what would be the position if all the indigenous companies are forced to close their doors? The importers, including the said National Petroleum Company of foreign oil, would then be free to exploit the poor public to whom he refers and leave them with no guarantee of continuous supplies. In today's *Statesman*, the same author claims to be the first Indian oil company. Here, again, is another misstatement of fact. The National Petroleum Company have no stake in the indigenous oil industry. Indian-promoted indigenous companies actually started searching for oil and have been operating, for the last quarter of a century, prospecting, drilling for oil, refining and selling. The National Petroleum Company's claim is a claim, therefore, which is apt to confuse the issue in the minds of those who are not aware of the actual position. They are only actually importers of foreign oil which they will only be able to offer while foreign countries have surplus oil to get rid of. I do not think it is fully realised what the producing side of the oil industry means to India. I am glad, Mr. Joshi is in his seat. Is it realised that in royalties, license fees, income-tax and customs duties on imported machinery and stores, apart altogether from the excise duties, the Government Exchequer benefits annually by over a crore of rupees? While if foreign oil replaced the shipments from Burma, the revenue from such foreign shipments would, as stated by the Honourable the Finance Member a few days ago, amount only to 74 lakhs. It may be argued that this figure of something over a crore includes income-tax which in any case would have been recoverable from importers; but that is not quite true, because in the one case the tax is assessed on the profits of the producer as well as the distributor, whereas, in the other, the producer's profits would not be earned in India and only the profits of distribution of imported kerosene would be subject to income-tax in this country. So, Sir, we arrive at the paradoxical position of this House debating a Resolution to remove protection from the indigenous oil industry when, in fact, no protection at all really exists. And this at a time when almost without exception every other indigenous industry in the country is in the enjoyment of protection even though this may be fortuitous owing to the existing policy of imposing duties for revenue purposes. Again, is it realised that over two crores a year are paid out in wages to Indian and Burman workmen and that some 85 lakhs a year is spent in India on the purchase of stores? What has my Honourable friend, Mr. Joshi, got to say about this attack on an industry which employs over 34,000 Indians and Burmans? Does he want to see unemployment increase? Further, in the oil fields in Burma and in the refineries, over 60 per cent. of the 23,000 employers are Indian and less than 40 per cent. Burman.

Mr. S. C. Mitra: You are now anxious to drive them out by separating Burma from India.

Mr. E. S. Millar: These are big figures, and I ask Honourable Members opposite to ponder over them deeply. These figures are a measure of what India stands to lose in material wealth if the home production is to be ousted by foreign oil.

[Mr. E. S. Millar.]

If the substance of this Resolution were to be made effective, it would stop all prospecting for the development of the country's mineral oil resources and close the doors of many of the remaining companies who are at present prospecting and producing oil in this country. With these words, I oppose the Resolution.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): Sir, I rise to support the Resolution under discussion which has been moved by my Honourable friend, Mr. S. C. Mitra, and I must congratulate him, and I think that he deserves congratulations from the Honourable the Finance Member as well. Mr. Mitra has shown the Honourable the Finance Member how he could get a very large revenue from the equalisation of both the import duty and the excise duty on kerosene. I support the Resolution, both on economic as well as political considerations.

In considering the economic side of the question, I am to consider the interests of the consumers of oil and the industrialists concerned with the production of oil. Sir, though I do not like to go over the ground of the past history of the imposition of the higher import duty and the lower excise duty, still I must say that the lower excise duty was imposed for two considerations. Firstly, to give an indirect protection to the indigenous production from the unfair competition of the well organized oil industries outside. But may I ask with all seriousness as to what are the reasons for which we should take the Burna oil industry or the Attock oil industry as indigenous industry? The capital is non-Indian and the large profits that accrue go out of India in the form of dividends. Then, coming to the question of giving relief to the poor Indian consumers, I am afraid it has already been conclusively proved by Mr. (now Sir) Padamji Ginwala in the Minority Report of the Tariff Board on the oil industry that this difference of the two rates of duty really did not give any relief to the poor Indian consumer. I think it has already been threshed threadbare by Sir Purshotamdas Thakurdas in his speech on the subject which he delivered in this House on the 21st March, 1930. Sir, this question is not a new question, and as far back as 1922, Sir Frank Carter vehemently opposed the differentiation between the import duty and the excise duty on kerosene. Mr. Arthur Moore, on the 21st March, 1930, in his speech on this subject, stated, amongst other things, as follows:

"But Sir Frank Carter spoke at a time when we were faced with a deficit budget in 1922."

The implication, it appears, is that, in cases of deficit budgets, the excise and the import duty on kerosene may be equalised. Taking that view of the case, I think today the justification is all the more, because not only we are passing through deficit budgets during the past two or three years, but we may expect to see another deficit budget in the coming year as well. Even if we do not actually find a deficit budget, it may be due to the cut in pay which was enforced as a temporary emergency measure, but which has become more or less a permanent feature in our budget. In this connection, Sir, with your permission, I would like to suggest to the Government to reduce the scales of pay as much as they like, provided that is done uniformly both for subordinate and superior services and both for services recruited in India and outside to bring down expenses, but they have no justification whatsoever to continue the cut

in the name of emergency which can never mean to include such a long period as three years or more. I think I have made it clear that by these different rates of duty, an Indian consumer is not benefited, nor are there any Indian producing companies which are benefited. The only parties that are benefited are the foreign exploiters and the middlemen. In order to prove my statement, I may quote another parallel example, that is to say, the cotton duty. In 1922, the excise duty on cotton goods and the import duty on cotton goods were at two different rates, and in that connection the Honourable Sir Malcolm Hailey, the then Finance Member, stated as follows:

"If, therefore, we raise the tariff on the imported article, they, that is, the Indian producers, will naturally raise the price of the Indian product, and the difference of four per cent. between the import and the excise duty will only be a present to the Indian producers."

Sir, if I may be permitted to say so, the present case is exactly the same with the cotton duty of 1922. This is not all. In the course of his speech, Sir Malcolm Hailey stated further as follows:

"It is hard to see that the raising of the excise duty will make any effective difference to the consumer."

Then, Sir, I come to the political side of the question. There are very few oil producing companies in India proper, except in Burma, which is a part of India, so long as it is within the Indian administration. At the present moment, Burma wants to separate itself from India, and, therefore, Burma oil to India is as much a foreign oil as the oil imported from America and other countries. If I am to go deeper into the question, I think it is an open secret that the question of separation of Burma from India was first brought to the forefront of Burman politics by the European oil magnates in Burma itself. If the Burma oil magnates have started this question of separation, then they must be prepared to take the consequences of separation as well. They cannot have the cake and eat it too. With these few words, Sir, I support the Resolution.

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till 11 O'Clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 7th February, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 7th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE INDIAN STATES (PROTECTION) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Indian States (Protection) Bill.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Mr. President, 'on the last occasion when we dispersed, I was at the point regarding the rights exercised by the paramountcy. I want to bring to the notice of the House that the rights are not few but they are very many which are exercised by the Paramount Power in the affairs of the Indian States which give them a large amount of share in the internal administration of the States, and which, if exercised in a manner satisfying the wishes and demands of the subjects, can, to a large extent, stop the present agitation against the princes. In the rights exercised by the paramountcy are included external affairs, international relations, defence and protection, internal administration (i) the Paramount Power has duties of corrective obligation in cases where its intervention is asked for or becomes necessary; (u) to enforce popular demand in the States for a change in the form of administration without eliminating the prince, intervention for the benefit of the prince, intervention for the benefit of the State, intervention for settlement and pacification, intervention for the benefit of India as a whole, and necessary British jurisdiction.

The cry against the princes has mostly been that they have not responded to the demands of popular opinion within the States and that the Paramount Power, having promised them protection from external attack as well as from internal disorder, have placed the princes in a position that they need not care whatsoever for the legitimate demands of the popular parties in the States and that it is the duty of the Paramount Power to exercise the right of paramountcy in a manner as to satisfy the demands of the princes as well as of their subjects so that harmonious relations between the princes and their subjects may continue for the peace and prosperity of the States. But the subjects of Indian States have shown by their speeches, by the literature that has been supplied to us and other things, that the Paramount Power has more often than not neglected to consider interference in the interests of the subjects of the Indian States and that, therefore, necessity arose for them to appeal to the British Indian public to sympathise with their down-trodden condition and to support them in attaining their objects. Nor is the position of the Paramount Power a happy one. While they are so much abused and criticised by the Indian States subjects, they do not

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get either the admiration or even good words from the princes. It is quite clear to us, if we refer to the published views of the princes, that they consider that, but for the too much interference of the Paramount Power, they might be able to give more attention to, and provide for the needs of their subjects. I may, Mr. President, with your permission, refer to the published proceedings of that august Chamber sitting in another part of this Building where . . . (*An Honourable Member*: "What is that Chamber?") (*Mr. B. Das*: "The Chamber of Horrors!") . . . where one of their Highnesses in a speech, not long ago, but only in the year 1930, said as follows:

"Cases are not wanting—dating back not to antiquity when Political Officers have interfered or attempted to interfere, in support of rebellious or otherwise guilty Nobles of our States, regardless of the inherent rights and susceptibilities of their Sovereign Rulers. Indeed, about the time when I came of age, a veteran Political Officer expounded to me the strange doctrine that his policy always was—to note that it was not the declared policy of the Paramount Power, but the personal policy of an individual Political Officer—invariably to support the State against the Nobles during periods of minorities, and, similarly, invariably to support the Nobles against their Rulers immediately the minorities cease! This obiter dictum, regardless of rights and wrongs, needs no further comment. It has been within my experience, soon after I came of age, to have been forced during my early days to dismiss proved and loyal men—who had served the State for a great many years, without the slightest enquiry or investigation or without the slightest opportunity being given to such loyal and deserving officials a single chance of repudiating the allegations made against them by intriguers in our States, or the charges preferred against them by such Political Officers—because the Political Officer held the view that they were 'mischievous' men and 'did not mean well in the least'.

We have had official letters of enquiries addressed to me and to my Prime Minister asking for explanations and even for files on petitions submitted to the Resident at Bikaner regarding even Police Jamadars and Constables against their dismissal by the Departments concerned and such matters.

We have been asked, on account of a petition similarly to the Resident from the gardener at Gajner—(a gardener in a garden in the Bikaner State!)—to furnish explanation of what the case was about; and we have had a letter from the Political Officer who was in those days accredited to our State asking why the butcher, who was a Bikaner subject but who supplied meat to the Residency, had been dealt with in some matter according to the law and recognised practice, usage and custom of the State. The 'explanation' of my Government was actually demanded by the Resident in regard to the most heinous offence of our failing to supply a camel sowar required for the benefit of the domestic menials of the Residency; and ultimately, we were threatened by the statement that it was fortunate that the 'explanation'—in effect of course a reply—sent by my Political Department had 'arrived in time to render it unnecessary for the Political Officer to take any further steps in the matter!'

When, shortly after my coming of age, in 1902, I tried to inaugurate a system of Administrative Reforms and to introduce almost the identical Secretariat system followed by the Government of India themselves, I first had great difficulty in getting the Political Officers whom under the then conditions I had to consult to agree to this scheme, which was a distinct improvement on the old system carried on during my minority—which worked very well and which is still in force; and for years afterwards, I was pestered with questions and asked to 'furnish' 'reports' as to the manner in which the system was working—as if it was a totally strange and untried and dangerous Administrative Scheme which we were resorting to."

Mr. President, this is the speech of one of the distinguished members from the Order of Princes representing them at the Round Table Conferences. This is the speech of one of the most loyal and a progressive prince among the Order of Princes, who was also the Chancellor of the Chamber of Princes for no less than five years during the Viceroyalty of that great jurist, Lord Reading, I mean His Highness the Maharaja of Bikaner. It is not the complaint only of a prince belonging to the

majority community, but I will shortly make reference to the speech delivered in the same Chamber of another prince belonging to another gallant and martial community which has played not a small part for the progress and prosperity of this country. But, before I refer to that, I would like to ask the Honourable Members whether, in the state of affairs, as depicted by this speech, the princes can have time and leisure to think quietly about the work of the departments or even about the benefits of their subjects when, from morning till evening, they have to deal with letters and inquiries of this nature. There is another little reference from the speech of the famous prince whom I have already cited. He remarked that, early in the 20th century, when the princes, like the members of the criminal tribes, were required to take the permission of the Paramount Power before they left their own territories and that, when he was in an indifferent health and had proposed to proceed to Bombay on a purely private and informal visit for a change, he actually received a letter from the Resident advising him to defer his visit for another ten days as the Agent to the Governor General could not anticipate the order of the Government of India twice asked for and the delay showed that there might be some difficulty. His health was not taken into account. Later on, he was graciously informed that there was no objection to his proceeding to Bombay. We can imagine, Mr. President, the mental equilibrium of the rulers of the States under such conditions. How can they think of schemes of reformation and schemes of progress? Another very distinguished member of the noble Order of Princes said something in the same strain.

An Honourable Member: What is the book you are quoting from?

Sirdar Harbans Singh Brar: It is a published document available to anybody in India.

Mr. K. C. Neogy (Dacca Division: Non-Muhammudan Rural): He is quoting from the proceedings of the meetings of the Chamber of Princes. It is in the Library.

Sirdar Harbans Singh Brar: His Highness the Nawab of Bhopal, who also had the honour of functioning as the Chancellor of the Chamber of Princes for one year, started with a simile to serve his purpose in support of what was stated by His Highness the Maharaja of Bikaner:

"Imagine a man plagued with general indisposition which gives him a feeling of discomfort showing itself in many different ways. His doctor will administer some palliative to give relief to his immediate symptoms, but must diagnose and treat the real cause of his malady to cure him. So it is with the Indian Princes. All of us are attacked more or less seriously and more or less frequently with discomfort in the form of intervention, the results of which may vary between a general feeling of uneasiness and occurrences of acute irritation. An individual who complains may get relief in a particular instance; but that is not going to benefit others and even with him the evil may recrudescence at any time. We have, however, this advantage over the sufferer of my simile. We know what is the matter with us and that our trouble is one of the evil results which follow from a mis-application of the doctrine of Paramountcy. To take my simile a step further, one of the chief exponents of that doctrine (Sir William Lee Warner) wrote of it that 'its extent is wisely left undefined'. Surely that is a very dangerous element when, as now, the application of that doctrine in respect of the exercise of intervention is so often left to the discretion, or in other words, to the idiosyncracies, of individual Political Officers. When a highly drastic

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remedy is invented, medical practice does not leave it to be experimented with by general practitioners, but hedges it round with the clearest instructions as to the purposes for which and the methods by which it is to be applied.

Even an expert will not lightly deal with a case of such a kind. He will surely welcome association with other opinion to help him to arrive at a sound and correct conclusion nor will he overlook the immense advantage to be gained by securing the confidence of the patient. Give us confidence with regard to intervention and we shall be satisfied. The analogy suggests quick sounds to my mind. The future would indeed be dark if on paramountcy and paramountcy alone can the states rely for their preservation through the generations that are to come. We stand on the firm lock of our treaties which state that the princes shall remain absolute rulers of their country and the jurisdiction of the British Government shall not in any manner be introduced."

Mr. President, later on His Highness referred to the same sort of incidents as narrated by His Highness the Maharaja of Bikaner—in which intervention was resorted to. I need not detain the House by reading out those small instances.

Now, it is for us to consider, whether, under these circumstances, either the princes or the Paramount Power is quite in a happy condition. It appears to me that either the Paramount Power must take direct responsibility for the administration in the Indian States on benevolent lines or must take away the protection from the Indian princes in cases of internal commotion or disorder and give up the right of interference within their territories. At present you protect the princes from external aggression as well as from internal disorders, leaving no opportunity whatsoever for the subjects of Indian States to seek their remedy to better their lot within their own borders and, at the same time, you try to deprive them even of seeking the sympathy of mankind outside, in order to better their lots. If we want that the British Indian public and platform and the British Indian newspapers should not be used for anything against either the princes or their representatives, then let us not meddle with them in their affairs. If we do not allow their subjects in British India or the British Indian subjects within their borders to create any agitation or any subversive movement to be organised with a view to coercing or to intimidating the administration of the Indian States, well and good. But, then, we must not deprive those people of the right to carry on an agitation peacefully or otherwise within their own borders and to seek their own remedies. Lord Curzon in his speech at Bahawalpur stated that paramountcy was everywhere unchallenged and that the Crown had itself laid down the limitations on the exercise of its prerogatives. It may as well be stated that paramountcy is supreme and unchallenged even in Central Asia or in East Asia, but that the Crown itself has laid down the limitations of its prerogatives and it is not exercised either in China or Manchuria or in Central Asia, but it has given all these parts autonomy to manage their own affairs. But when the Crown extended its sphere of interference and intervention, it did by similar pronouncements guarantee to the State subjects that their grievances would be looked into by the Paramount Power and redressed by it. The complaint of the Indian State subjects has been that that duty, taken over by the paramountcy, has not been discharged so as to secure any satisfaction of their grievances. Sir George Campbell stated very clearly that there was no uniform system and it was almost impossible to give any definite explanation of what things we meddled with and what we did not, I, therefore, say that if the Paramount Power would be gracious enough to

declare to the Indian State subjects that they would allow them to seek their grievances from their own masters within their own borders and that the Paramount Power, as far as it related to the internal administration of the Indian States, would not interfere with the complaints of the Indian State subjects, that would satisfy as much our friends of the Order of Princes as their subjects. They are as much tired of this intervention as their subjects are of the lack of it. Let the princes and their subjects themselves manage in a harmonious manner their own relations. Let their subjects petition to their own masters and let the masters comply with their prayers. If an agitation becomes necessary otherwise, it is their own business. We should not interfere if there are disorders: the princes might be left to look after themselves. That will, to a great extent, meet the demands, as far as the sympathies of the British Indian subjects in India as well as of the Indian State subjects who come here to seek our sympathy are concerned, and that will also meet the demands of the loyal friends and allies of the British Government who proved as great patriots when they went to the Round Table Conference and who agreed in joining hands with the people of British India in demanding responsibility at the Centre and who declared that they on their part would join hands in carrying out that responsibility in a successful manner. Sir, as Federation is to come, and as central responsibility is a matter on which opinion in India is one and united, we must see that we do not in any way prejudice that happy consummation, and for that, it should be our duty and privilege, in giving the advice to the Indian State subjects to seek their own remedy within their own borders and, that we do not meddle with their own internal forms of administration.

Sir, we have received a considerable amount of literature through the post or otherwise on the conditions in Indian States. It does burn our hearts to a great degree, it does tell very harrowing tales about the affairs in the Indian States, but if what I have suggested just now is considered and adopted, many of those grievances will no longer exist. Honourable Members, who spoke earlier in the debate, took exception to certain privileges of the princes and to certain forms of administration within the Indian States, because they thought that the system prevalent in British India was perhaps the only good form of Government. My friend, Mr. B. Das, referred to the conditions of forced labour in the Indian States. But, Mr. President, is not forced labour in existence in the so-called democracies and in countries administered by democracies like Great Britain?

Mr. B. Das (Orissa Division: Non-Muhammadian): I was damning not only the princes, but the British Government also for it.

Sirdar Harbans Singh Brar: My friend admitted that in the form of administration to which we are aspiring forced labour did exist, as in South Africa: and if democracies tolerate that, are we to condemn it as a system, because it may be partially prevalent in Indian States? Sir, forced labour is day by day lessening and lessening. It does not exist now-a-days except in the *shikar* areas or in the forests for hunting purposes when distinguished guests from across the seas are sent to the Indian princes to be entertained, and they must be treated in a nice and homely manner so that they should carry a good impression of our great hospitality and entertaining spirits, and those people who perform that duty also share in that good name which is given to India outside for being hospitable, because they have shared in entertaining those guests. That is not a thing to be

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wondered at. It should be remedied if it could be, but these are matters which must be removed by slow stages of improvement. Certain Members were very keen that the conditions prevalent in British India as regards the form of administration and other such features in the so-called civilized countries of the world should be repeated in Indian States, because to them it appeared that these were perhaps the best form and the most benevolent form of administration. Sir, we have seen the conditions of the so-called democracy. Would we like to have the democracy of Soviet Russia repeated in British India or in the Indian States? Would we like the conditions prevailing in South Africa, which is a member of the British Commonwealth of Nations, to be repeated here in India, namely, where all the British subjects, are not allowed to travel in the same carriage? Would you like those things to be repeated in the Indian States? Or would you like your own countryman to be lynched in the streets of Delhi as they do in New York and California even when people are acquitted by competent Court? Such things are happening in the most advertised democracy of the United States of America. Certainly we should demand a good administration for the subjects in the Indian States. but we are not concerned with the form of the administration, because democracy or popular franchise do not always produce the best results.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Strange doctrine.

Sirdar Harbans Singh Brar: Then Government would cease to function if you repeat the conditions prevailing in France where no Government last for more than a week. I do not deny that people's grievances must be remedied and their needs must be looked after, but the form of administration is not our concern. It has existed for centuries and it will exist for centuries if we do not interfere with them. We only mean the best for the subjects of the princes.

An Honourable Member: Antiquated.

Sirdar Harbans Singh Brar: If there is something good even though it is antiquated, we must retain it. We should not go in for a thing, because it is new, however wicked and however vicious the system may be.

Mr. N. M. Joshi (Nominated Non-Official): Would you like autocracy?

Sirdar Harbans Singh Brar: It is not bad if it is benevolent. When I was in an Indian State, I was asked if I would like to exchange my property in British India for the property in the Indian State, and my answer was and my answer is the same even now, that is, I do not mind it, that to persons who do not like to meddle in the political affairs of an Indian State and who do not engineer useless agitation, there is no harm even in an Indian State. The ordinary peasant in the Indian State is happy. I can speak from personal knowledge of my own district and my own constituency which has as many as 16 Indian States on its border and I have intimate knowledge of a good many of them. The ordinary village ryot and the ordinary peasant in the Indian State is much happier than a peasant in British India. It is only the educated classes and it is only people whom their parents have relieved of any stake or who themselves have relieved themselves of any stake in the State who get up this agitation and create mischief outside their own borders.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Then why have you entered the Assembly?

Sirdar Harbans Singh Brar: I am a British Indian. I have never said that I do not want to enter politics. I said that those people who do not enter politics are quite happy as far as they are concerned. It is only those who are out to do mischief or who meddle with the political affairs of the Indian States and try to blackguard and blacken the administration of the State from outside, that are punished. Have we not allowed the Ordinance Bill to be referred to the Select Committee even without challenging a division in this House?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): So long as we were here, it was always challenged, but you were absent at Patiala at that time.

Sirdar Harbans Singh Brar: No, I was not. How would my friend tolerate an agitation on our borders against the form of Government in our country? We are shortly going to have a democratic constitution, and how would my friend like that form of Government to be criticised by outsiders on our borders? Then the administration cannot be carried on.

Mr. N. M. Joshi: What shall we do? We cannot do anything when they go out of our country and agitate.

Sirdar Harbans Singh Brar: The Indian State subjects want liberty, they want good Government, they want the affairs of their State to be left in their hands. Liberty is not a thing which can be got like begging alms. It is a very precious and a very valuable commodity and it has got to be got by paying a heavy price for it. They must get it in the ordinary way, they must not try to unsettle the conditions within our own borders when we have no concern and when we do not want them to meddle in our affairs.

Mr. B. Das: We conquered them with our money and our blood.

Sirdar Harbans Singh Brar: Nobody was conquered. They came into relationship with the Paramount Power by treaties and alliances. My Honourable friend, Mr. Das, the spokesman of labour and democracy, also says, autocracy is good.

Mr. D. K. Lahiri Chaudhury: Autocracy by dictatorship, just as Gandhiji is good for India. That is what he said.

Sirdar Harbans Singh Brar: It only comes to this, that autocracy must be benevolent. If you allow the princes to manage their own affairs and if you do not meddle with them and if you allow them proper latitude, they will do things in the proper way. Some of them are even now very benevolent.

Mr. N. M. Joshi: What is your point?

Sirdar Harbans Singh Brar: I hope my Honourable friend would cultivate an attitude of patient expectancy. Those, who themselves live in Cecil Hotel and in Savoy Hotel in Simla and London, dare to condemn the

[Sirdar Harbans Singh Brar.]

princes if they try to keep up their style and live in palatial houses. We received certain pamphlets from the Indian State subjects and many of their criticisms are based on what I have already said, that they are not allowed by the British Government to carry on agitation within the Indian States and that they should at least not be prevented from carrying on their agitation from British India. I have already answered that we should allow them to do it within the Indian States. The other point is that as Federation is to come, all forms of administration must be the same among all the units of the British Indian Empire. How does the League of Nations exist? Different Nations with different forms of Government carry on very well in that united body for the well being and benefit of humanity at large. Similarly, without resort to forcing the same form of Government within the Indian States, we may be able by mutual contact with the princes and the people of India to bring a happy form of Federation into being in India.

Mr. Lalchand Navalrai (Sind. Non-Muhammadian Rural): How can there be mutual contact if you do not regulate the form of Government in the Indian State?

Sirdar Harbans Singh Brar: Would you like interference in your own affairs?

Mr. B. Das: You are inciting them to violence.

Sirdar Harbans Singh Brar: I am not. Sir, we see these States People Conferences with so much show and so much pomp and so much advertisement. There are generally not more than ten per cent. of the subjects of Indian States among those who take part in these Conferences. They meet probably at the instigation of somebody who has a grievance against some particular individual. They start from Rajkote where there are about 120 States round about them with the administration just as bad as anywhere else. If there is badness in them. They run the length of 1,100 miles and they select a State in Northern India to demonstrate against or to expose the conditions prevalent in that State which is in no way inferior to others. Somebody, probably sitting in Southern India, perhaps pays for them and they go to the Political Department, as they did day before yesterday to demonstrate against Patiala in batches of 100 or 120. If the grievances are really genuine, why don't they start at home which is much nearer to their borders and which would be much less costly to them? Thus, it is clear that they do not meet for the general welfare of the subjects of Indian States; their motives are something different and they meet at the instigation of some one to do harm to some one else in particular.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Chair has been told that a good many Members of the House are anxious to take part in the debate. If the House has got that desire, there ought to be greater co-ordination among the Members.

Sirdar Harbans Singh Brar: Sir, the hint which has fallen from the Chair is always taken by me in the spirit in which it is offered, and I have not taken more time than other Members. But, as the hint is there, I will not take more time than is absolutely necessary, and will try to finish soon.

Sir, my points were two; that the opposition to the Bill is based on two things. That the grievances of the subjects of Indian States are to be looked into and I have suggested that, if the Paramount Power does not interfere in the internal administration of these States, most of the grievances will automatically be remedied, and that, freedom being a very precious commodity, they must pay a corresponding price for it either by passive resistance,—suffering always bears fruit and you cannot get anything without suffering,—and the other course of action is that which different countries have always resorted to and which has been applied in so many other places. That is their concern.

Then comes the Bill under reference. I think it is nothing but fair that our borders and our territories should not be used for purposes other than for our own concerns just as we should not allow our subjects to carry on agitation and organise *jathas* to coerce and intimidate the Government of a neighbouring Foreign State. But the Bill, as proposed, has not provided the remedy in a proper manner. My lawyer friends, Sir Abdur Rahim and Sir Hari Singh Gour, will perhaps take up this legal aspect of the Bill that, under the present Bill, as drafted, even a bare statement of fact is not exempt from the penal effects of this legislation. The other point is, that the power which we are giving to the Magistrates is not advisable to be given to them. We will be creating other semi-sovereigns, 400 or 500, within British India, acting at their will and pleasure. It has been admitted by responsible administrators and you will find that the Honourable Sir Henry Craik, Bart., admitted in the Punjab Legislative Council that the magistracy is corrupt. When dealing with ordinary semi-clad and half-starved British Indians, these Magistrates are corrupt; what will happen when they have to deal on the one side with Indian princes and, on the other, the ordinary humble people who are editors of papers? They shall have to repeat what Warren Hastings said:

“My Lords, when I look back, I wonder at my moderation amidst plenty”

I think the best course will be that these powers, which are now sought to be vested in the Magistrates, should be vested in the Governor General in Council, because they will know the conditions in the States and how they are going to be affected, and they will be the best people to decide whether anything against the States is cropping up within British India or not.

As regards the provision about the Press, I would suggest that it should, if possible, be restricted to a very few instances where it is actually inciting either to force or to coercion. I would request my Honourable friends to consider this measure in those lights and I suggest that the powers vested in the Magistrates should be vested in the Governor General in Council; and, so far as the Press is concerned, the provision should be so modified as to allow the largest amount of latitude to the wholesome Press and not the gutter Press which gets only 10 or 20 copies published and circulated to people who are concerned.

Sir, this is all I wish to say except one thing more. It has been said that, in the Indian States, things are not allowed to be published against the administration. I may say from personal knowledge that that is not so. And I have got with me copies of pamphlets and other things published in the Indian States, but not forfeited or stopped. They allow a large amount of criticism of their own actions and they will allow more if we let them do so.

Sir, I support the reference of this Bill to the Select Committee.

Mr. F. E. James (Madras: European): Mr. President, we support the reference of this Bill to Select Committee for the scrutiny of that Committee. I understand that the reasons for this measure are three-fold. The first is the growing identity of interests between Provinces in British India and the Indian States. The second is the approach of the Federation, and the third—and I would like to emphasise this because it is merely stating a fact in modern development—is the presence and growth in India and indeed throughout the world, and even in this Assembly, of iconoclasts like my friend, the Honourable Mr. B. Das, who are itching to overthrow any form of public or private security . . .

Mr. B. Das: You have misjudged me.

Mr. F. E. James: I am very glad indeed to hear that. That being the basis for the Bill, one turns to the Bill itself and finds that there are three main provisions. The first provision gives to the Indian Penal Code a new definition, a definition of India which covers the whole of India. It may be argued that this is not only a striking legal departure, but an undesirable legal departure as far as the Indian Penal Code is concerned, and I suggest that it is a matter which may receive the attention of the Select Committee itself. But there is no doubt as to the significance of that particular clause which inserts in the Indian Penal Code a definition of India which covers the whole of India including the Indian States. The second provision extends the effects of section 4 of the Indian Press (Emergency Powers) Act of 1931 relating to attacks in the Provinces on the administrations of Indian States; and the third takes powers to deal with unconstitutional agitation against a State administration from British India, and in particular against what I may describe as, border raids. We have had some experience in the past, in my own country, of *jathas* in the days when the Scots used to come down and raid us for various purposes . . .

An Honourable Member: There is one going on now.

Mr. F. E. James: . . . and it may astonish the House to hear that we appreciate the dangers of that form of unconstitutional agitation. I may remind students of modern history that one of the most famous *jathas* led to a war in South Africa—I refer to the Jameson Raid; and there is absolutely no doubt as to the desirability of some protection against that particular form of agitation which may not in itself be immediately dangerous, but may lead to the most extreme danger, not only to the State administration, but also to the administration of the Province in British India.

I find, on going through the various opinions that have been collected, that there is general agreement as to the necessity of some protection along these lines to the administration of the Indian States. My Honourable friend, Mr. Sitaramaraju, in his very able speech referred to the opinion in particular of the Madras Government and seemed to suggest that that opinion fortified him in his objection to the Bill. He knows as well as I do that in many respects the Madras Government is far in advance of many other Provinces in this country. He will also bear me out when I say that the particular States with which the Madras Government has more immediate relations are States that can challenge comparison with any British administered Province in India, and, therefore,

it is not surprising that the Madras Government should say in effect "We have no objection to this Bill: we see no reason to object to the general principles of the Bill; but, as far as our experience goes, we do not feel its necessity in quite the same way as Provinces in other parts of India do". That is really the basis of the Madras Government's opinion, and I think perhaps my Honourable friend, Mr. Sitaramaraju, went a little too far in claiming that Government's opinion as supporting his own particular view. I am always interested in two opinions which are given in these matters: one from the Government of the Province concerned, and the other from the Bar Association in the Province. I generally find that as a rule the Bar Association represents an extremely liberal view, very often far more liberal than that represented by the Provincial Government itself, and yet I find that in Madras, the Bar Association, which, I suggest to this House without making any invidious comparisons, compares favourably with the Bar Association of any other Province for its ability, says quite definitely:

"It is of the opinion that the Bill to protect the administration of States in India which are under the suzerainty of His Majesty from activities which tend to subvert or to excite disaffection towards or to interfere with such administration, is necessary in view of the impending reforms. The States have forms of government different from that of British India and, unless such forms of government are recognised and protected by some such legislation, they may not have confidence and be willing to join as partners in the Federation".

I will complete the quotation because I do not want to leave anything unsaid:

"In the case of States, where there is misgovernment, explicit provision should be made to protect agitation that is constitutional and press criticism that is *boni fide* and proper".

Now, there have been various objections to this Bill advanced by Honourable Members in different parts of the House, and I will only deal with two of those general objections. The first objection is that there are certain States in this country in which there is gross mismanagement and that, that being the case, they do not deserve the protection which this Bill seeks to afford. I may say in passing that that argument might be used in other quarters. There are local bodies in British India which are maladministered and in which there is corruption, and one might argue from the same premises that, therefore, local bodies administration should not be extended in this country. No one, I suggest, would take that line, and I put it to the House that it is not right to take a jaundiced view of the situation because of mismanagement in certain States. Everybody knows that there is mismanagement in some States: no one denies that. On the other hand, I can point to States such as Cochin, Travancore, Mysore, Hyderabad and Baroda, to mention just a few, where the administration is as efficient and as popular as the administration in any part of British India. Honourable Members of this House, who have visited any of these States, will know the loyalty of their subjects to the rulers of those States, a loyalty which is expressed in a way that is hardly found in this country owing to our system of administration; and I for one would never put my hand to any measure which had any deleterious effects upon that kind of loyalty which I believe is one of the precious things which India ought to preserve in the future. I may also say that even the worst States in this country are not immune from the liberalising influences which are at present abroad. The Honourable the Political Secretary in his speech the other day, on which, if he will permit me,

[Mr. F. E. James.]

I should like to offer my congratulations, the Honourable Member the other day spoke in general terms of the reforms which were proceeding in various States through the establishment of liberal institutions. I feel that it is, perhaps, a mistake that the States do not themselves issue from time to time, as British India issues, a statement of the moral and material advance of the peoples under their jurisdiction. I believe a great deal of misunderstanding that is abroad in this country about the administration of Indian States has been due to the lack of publicity as to the progress that is now being made in many States. Therefore, Sir, the argument that because some States are bad and, therefore, protection should not be given to all, is, I suggest, an argument which cannot be carried to its logical conclusion.

Then, Sir, there is a second argument, and that is that if this Bill is passed in its present form, it will in effect stifle legitimate criticism and will prevent the very operation of those liberal forces which I have mentioned. I need not remind Honourable Members in this House that that argument is used to every defensive measure that has been brought before this House, and yet these defensive measures which we have passed have not up to the present justified that particular criticism. The existence of maladministration in certain States pre-supposes that there must be opportunity for free criticism, and I personally shall make it my duty in the Select Committee, if this measure is referred to the Select Committee, to watch that point with very great care. Nothing must be done to prevent the free play of public opinion on the administration of Indian States, and I think that the rulers of those States themselves would welcome a statement like that and would welcome an attitude of that description in regard to this Bill. In any case, on that particular point, that is the spirit in which I am going into the Select Committee if the House sends it to a Select Committee.

Sir, the existence of a gutter snipe Press in regard to the Indian States has been admitted by my friend, Mr. Natarajan, who presided at the Indian States Subjects Conference the other day. In fact, his address to that Conference, which I very carefully read, has provided me with one of the most reasonable and careful arguments in favour of this Bill. I do not know whether Mr. Natarajan intended it as such, but undoubtedly with one small exception, he has merely strengthened the arguments in favour of sending this Bill to a Select Committee.

Then, Sir, there is one other objection that is raised to the Bill, and that is that the clauses, I think 5 and 6, may lead to abuse on the part of the Magistrates concerned

Mr. D. K. Lahiri Chaudhury: May I ask the Honourable Member to explain what part of Mr. Natarajan's argument went in favour of his argument? !

Mr. F. E. James: I should be very happy indeed to present my Honourable friend with a copy of the speech, because the whole speech itself is a powerful argument in favour of the Bill, and I am afraid, you, Sir, will not

Mr. D. K. Lahiri Chaudhury: The Honourable Member will remember that Shakespeare says in Julius Cæsar that "men may construe things after their own fashion clean from the purport themselves".

Mr. F. E. James: I am very grateful to the Honourable Member for his interruption, which is very charming, but entirely irrelevant. Now, Sir, the suggestion has been that the wording of these particular clauses is too wide, and that there is a danger that this wide wording might lead to abuse. That, I suggest, is a matter which the Select Committee must go into. Surely it is not a matter on which a reference to Select Committee needs to be rejected.

Now, Sir, there is one general observation that I should like to make. I understand that the basis of this Bill really is reciprocity, and I would put it to the Honourable the Home Member that the States are not entitled to ask for greater protection than they are able and willing to give. I would ask the Honourable the Home Member,—the Political Secretary himself did refer to this matter,—do the States give similar protection to British India? I view this as a very important matter, particularly in the light of the imminent organization of autonomous provinces under the new Constitution. Are Government satisfied that the protection which they are going to get from the Indian States is as great as the protection which they are now seeking to give to those States? There is one particular aspect of that matter in which we are specially interested, and that is, in connection with the spread of the terrorist movement. There is evidence that this movement has already spread its tentacles to some of the Indian States. In British India we are waging a warfare against that movement by the use of every weapon that is possible. One of the great difficulties in the past has been the control of the supply of arms, and I should like to ask the Honourable the Home Member whether when we are considering the question of the protection of the Indian States, he will also invite the States to consider the question of the control within their areas of the supply of arms to British India. I have had evidence of an unimpeachable character that in some of the States there is no regulation at all as to the possession of arms, and, in other States while there may be regulation, that regulation is ineffective. I think we are entitled,—certainly my community has raised this point very definitely,—we are entitled to ask whether in this matter we can get some assurance from the Indian States that they will co-operate with us in what is one of the greatest defensive movements this country has ever embarked upon.

Now, Sir, I do suggest that the House, in looking at this particular motion, should take a broad and a long view of the matter. The States are a most important part in Indian polity. Of course, I know there are those in this House like my friend, Mr. B. Das, who do not agree with that. They would like to leave the States out altogether . . .

Mr. B. Das: You have misread me.

Mr. F. E. James: I am so glad that my friend interrupted me. He has played entirely into my hands. I was going to remind the House that Mr. Das makes many exaggerated statements, but none was more exaggerated than when he claimed to represent the nation the other day . . .

Mr. B. Das: You represent the Imperialists, and I represent the Indian nationalists.

Mr. F. E. James: I suggest, Sir, that Mr. Das should not interrupt me any more because he will get deeper into the mire.

[Mr. F. E. James.]

He does not represent a very wide point of view in the country. I believe it is now generally accepted that the new India that is being built here must be built upon a basis of Federation. In that Federation, there must be all the elements which represent the permanent factors of national character and judgment in this country. I suggest that in the building of that edifice, the foundations must be well laid—the foundations of security and stability. I admit that the blending of the old with the new is a difficult process, and we must go through a dangerous time in the blending of those two elements. Therefore, I suggest that in that transitional period, it is all the more essential that there should be no weakening of internal security and stability either in the States or in British India. In the building of the united India, fears must be allayed, and distrust must be dispelled. This Bill is one of the steps which is being taken in the building of that great Federation of a United India to which we all look forward, and I suggest that is the strongest justification for sending this Bill to the scrutiny of a Select Committee.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Now that Mr. James has spoken, the Government's case is completely before us. (Laughter.) I have often wondered who gives the lead to the policy of the Government of India,—is it my friends of the European Group or Sir Harry Haig?

An Honourable Member: They are all one.

Sir Abdur Rahim: I think that is correct. (Laughter.) This is a very important Bill and it cannot be treated in the more or less light way in which Mr. James has treated it. It has very serious implications. Now, let me state first of all what the general position of this side of the House is. I think I can state, without any fear of contradiction, that there is no one on this side of the House who wants to destroy the Indian States administrations or is hostile to the princes, the rulers of those States. (Hear, hear.) The rulers of those States are Indians and we are Indians equally, and those, who know the inner history of the movements in our part of India, will realise that our main object is to get as much power as possible in the hands of Indians. That being so, I think Honourable Members opposite will fully realise that it cannot be the object of any one on this side of the House in any way to weaken the position of the Indian rulers of Indian States, much less to destroy their administration. That is the first proposition which the Government should appreciate. We are not inspired by any hostility to the States administrations or to the rulers. All that we want is that there should be no unjust repressive laws in British India. Sir Harry Haig, with his usual tact, has placed the case of the Government before us. No one can quarrel with him for the manner in which he pleaded the cause of Government. He is not only gifted with great powers of expression, but he understands the temper of this House and he knows what to say and what not to say, and the skill, with which he avoided the dangerous corners, is one which we all must admire.

Sir, there are many dangerous corners in this measure, though nothing is apparent from the two speeches of my Honourable friend, the Home Member. I will tell him what they are as I proceed. Sir, his case

is this. Indian India and British India are one. Perfectly correct, no one will quarrel about it. We are so intimately inter-related that what happens here is bound to react upon the Indian States and whatever happens in the Indian States is bound to react upon British India. That is the proposition which Sir Harry Haig himself has made. I build my argument upon that. We cannot ignore what happens in the Indian States. I do not want to compare one administration with another, there are, as a matter of fact, no means of making such a comparison. Indian States have various forms of administration as we have been told by Mr. Glancy, the Political Secretary, but I think they can all be summed up in one word, autocracy or personal government. We are living under a Government which, I think, the Home Member designated as democracy. I do not think that that is an apt description,—I think Sir Harry Haig himself should recognise that. We cannot call it democracy by any stretch of language. What it is, is that it is a form of autocracy, but under a rule of law, and that is what we greatly appreciate. We do want democratic Government, because this rule of law is bound to lead to that. But it is not at present democracy. I do not want to quarrel about the language. We may take it that there are different forms of rule in the two parts of India, nor is it my desire to suggest for one moment to any side of the House that we should try to change the form of rule that prevails in the Indian India into the form of rule that prevails here or into democracy more correctly speaking. That is not our object. At the same time, I am unable to agree with the Home Member in his abstract proposition that, because there are different forms of rule, they must be preserved at any cost. Political institutions are not like geological or archaeological specimens that they must be preserved. They are living active organisations which affect the daily life of the people in every aspect of it. But there is no abstract question before us. I am ready to recognise that there may be good autocratic rule, there may be bad democratic rule. That is perfectly correct, but, at the same time, what we are anxious about is this, that we do not want to stop the natural ordinary process of evolution. We want that there should be, as Mr. James himself has admitted, free play of public opinion on every kind of administration that prevails. That is our attitude, and nothing else. We are not influenced by any abstract ideas or principles, but by practical considerations. If there are autocratic administrations well run in one part of India, I am absolutely sure that, so far as we are concerned, we do not want to quarrel with it. We do not want to turn it into a parliamentary form of Government or a dictatorship of the modern type; we would let it rest. All that we seek is this, that those who live here which is called British India should not be further subjected to laws which are repugnant to us. This Bill is not meant for anybody living in the Indian States. We cannot legislate for the Indian States, it must be remembered that the legislation is entirely for us. It is to restrain certain liberties of ours. The whole question is whether the Bill is justified on that ground, whether there are certain activities in British India which require to be dealt with in the manner proposed in this Bill. Sir, I was hearing with great care the interesting speech delivered by the Honourable the Political Secretary, but I must say that the general impression which he created here was that the people of the Indian States are perfectly happy, why disturb them in their happiness? I ask the Honourable the Home Member, if the people of British India are not equally happy? (Laughter.) Why disturb them? Why are we agitating, why are we

[Sir Abdur Rahim.]

fighting with them every day? Sir, the question of happiness does not arise over this Bill at all. There are certain kinds of happiness which I would not call happiness at all. We want to uplift the peoples, both of the States and of British India, from their present position. That is our case, that is what we are striving for, and if Mr. Glancy wants to suggest that the people of the Indian States are enjoying a happy status and economic prosperity and the ordinary amenities of life, that they do not require any help, that they do not want any administrative measures for their uplift or the improvement of their condition, then I venture emphatically to differ. Sir, that is not a case which even the best advocate of the Indian States can put forward—that there is a perfect condition of things, and let the people concerned remain in that condition and let that condition of things prevail.

Now, as regards this Bill, what is the case of the Honourable the Home Member? You know, Sir, that the Assembly the other day, that is, in 1932, passed the Criminal Law Amendment Bill. The whole object, the whole effect and tenor of that Act is to curtail the jurisdiction of the Courts and substitute executive action for judicial procedure. Sir, I was one of the minority when that Bill was passed. I objected strongly on that ground,—that if the Bill was meant to crush the Civil Disobedience Movement and certain other objectionable activities of the Congress, I had no objection to that, but my objection was: “Do not go further than the case requires. Do not strike at the ordinary liberties and rights of the people”. That is to say, we have been enjoying certain rights, privileges and liberties under the protection of the Courts. Do not destroy the jurisdiction of the Courts. That was the case I pleaded for on that occasion. I know, the majority of the House did not agree with me, and the Bill was passed. Taking that as the verdict of the House, still I say that this Bill is not justified. You are going to extend the provisions of that Act when the necessity no longer exists. I do not know what were the real causes, but let us take it that the Criminal Law Amendment Act did help to crush the Civil Disobedience Movement. Well and good. Where does the necessity arise for a further extension of that measure? That is the point before this House. Let us not wander from it into all sorts of discussion. Sir, what was the policy which was then enunciated by the Government and by no less a personage than the Viceroy himself? Let me remind the Honourable the Home Member of the phrase which was used on that occasion—“the dual policy”—the policy of restoring law and order in British India in order that the political measures, which were then under contemplation, might have a proper chance of operation. That is to say, we were told that Government were contemplating the introduction of responsible government in this country and, therefore, in order to pave the way, we must in the meantime restore peace and order, crush the Civil Disobedience Movement, the no-rent campaign and all other subversive movements of that sort. Sir, the majority of the House accepted that. It was in that belief and upon that assumption that the Criminal Law Amendment Act was passed. Now, may I ask the Honourable the Home Member—is there any such policy underlying this Bill? Can it be said that this Bill is being placed before us in order to restore peace and order so that responsible Government will be established in the Indian States? That is certainly not the case. The Indian States will not be interfered with in their internal administration. We do not want to do it.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Neither do the Government want to interfere nor does the Political Department. Therefore, there is no such policy behind this Bill. Then, I submit to the House in all confidence that the argument of the Honourable the Home Member that the two sides of India, the two parts of India are so inter-related and inter-connected that if you pass laws to protect our own administration, you must apply that law to Indian States, falls absolutely to the ground. I ask—what then is the basis of the whole Bill? Mr. Glancy told us that the Federation would come sooner than perhaps most people expected. Mr. James also has proceeded upon that assumption, and asked for reciprocity. Now, let me explain to the House what I think about the future of Federation.

Sir, I had the privilege of listening to discussions, very able and meticulous discussions, on every clause of the White Paper scheme at the Joint Select Committee and of hearing the evidence of Sir Samuel Hoare, the Secretary of State for India. What emerges is this, that so far as Indian States are concerned, in their internal administration, in that matter the States are self-contained, but there is the Political Department which watches the administration of the States on behalf of the Suzerain and Paramount Power. At the present moment, Mr. Glancy is here in this House as representing the Political Department. Now, what will happen under the proposed Federation? The Political Department will not be in the picture of the Constitution at all. It will be removed from the Constitution itself. It will be placed under the Viceroy who will be advised by an officer of the Political Department. Of course, we will have to pay for it, but it will be removed altogether from our cognisance. Sir Samuel Hoare repeatedly advised the Ministers, who represented some of the States in the Delegation, when they asked for certain provisions for their protection, that it was very inadvisable. He advised them not to mention the States at all in the Constitution. Now, what is the significance of that statement? Mr. Glancy repeatedly told us in his speech—at least that was the gist of his speech—we are there to look after the administration of the States and the princes: leave it to us, and everything will be all right: do not let the Press or anybody on behalf of the public here interfere with them. Sir, if that were the state of things, namely, that one department could sufficiently guard the interests of the people, then, I, for one, would not trouble to be in this House and to speak here and discharge certain rather unpleasant duties. Even the Honourable the Home Member, who is part of the Government, does not claim that they are sufficient and nobody should criticise them or give them advice. In the future administration, to which Mr. James apparently is looking forward as a solution of India's difficulties, the Political Department will be absolutely sacred and sacrosanct; no voice can be raised against its operations.

Mr. B. Das: It will be like the Ecclesiastical Department.

Sir Abdur Rahim: Ecclesiastical and Political will be classed together. The question then is: Do the Government of India really expect under the circumstances that the people of British India should not concern themselves with the administration of the Indian States? Not in the sense that we want to change it or destroy it, but are we not entitled to express

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our opinion freely and frankly about the administration in the Indian States? We do not interfere with anyone who criticises our administration; we criticise it ourselves. Now comes the question as to how far public opinion in British India ought to be restrained and in what way? The Penal Code is wide enough. Everybody knows the criminal law of India, the Penal Code is very stringent, far more stringent than the laws of many other countries. In 1922, the Government passed a measure applying section 124A to statements and expressions of opinion with reference to the administration of Indian States. This House would not even allow the Bill to be introduced, and the Governor General certified it. The objection to that Bill was—it was introduced, I believe, by Sir William Vincent—that the law of sedition or seditious libel, as it is called in English law, could only apply to a State to which the people owed allegiance. We, who live in British India, owe no allegiance to the Indian States, no more than the subjects of Indian States owe allegiance to us. Therefore, the Honourable the Home Member, in his Statement of Objects and Reasons, has put in that the Indian States are under the suzerainty of the British Crown and, therefore, section 124A is applicable to both. I am perfectly sure that if the Honourable the Home Member consults the Honourable the Law Member, he will be told that this is not a sound legal position. Suzerainty in the case of the Indian States is something very different from the position of the Crown with reference to British India. We are subjects of the British Crown and, therefore, any administration, which is established by the Crown in British India, is entitled to our allegiance, but that is not the case with the Indian States. They are autonomous. They may be under the suzerainty of the British Crown, but that is a different matter. I do not know what all the legal implications are, because it is more or less a novel situation. I do not know really if it is dealt with in modern jurisprudence, for this sort of thing did not exist when laws like that under section 124A developed. Anyhow, what I am now pointing out to the House is that we have got that law. You have extended that law which constitutionally you ought not to have done. The case of the Government is that it affords no protection; the offence is triable by Courts and the procedure of the Courts is so dilatory. That is where I quarrel with the Honourable the Home Member. Not very long ago, the Government, I believe with the consent of this side of the House, amended the Criminal Procedure Code, in order to obviate certain delays. The procedure has been put right in that respect. But may I tell the Honourable the Home Member that, whatever procedure you may have and whatever laws and rules you may have, a great deal depends upon the Magistrates and the Judges themselves. Some Judges and Magistrates are more expeditious in their methods than the others. If the Judges and Magistrates are strong, the Government need not be afraid that any case will be unduly prolonged. But, Sir, is it any reason, because the Courts established by the Government and under their very laws sometimes allow the cases to be unduly prolonged in spite of the rules of procedure which, if properly taken advantage of, would curtail the proceedings, is it because of this that the Government want to deprive the Courts of their jurisdiction? The Government enacted the Criminal Law Amendment Act so far as British India is concerned, because of exceptional circumstances. I think that is the phrase used by the Honourable the Home Member when introducing the Bill, in exceptional circumstances, and under special conditions. Those conditions and circumstances do not exist any longer. Then, may I ask, why

should you extend the law and deprive the Courts of jurisdiction in a matter which really does not concern you.

A great deal has been said about the criticism of the press and the way in which the press is conducted in this country. I have just come from another country. I was for seven months in England and I used to read, of course, the newspapers, and I have come to this conclusion that though there is difference of method in essence, there is not much to choose between the British press and the Indian press. Our methods are a bit cruder undoubtedly and many of us like my friend, the Raja Bahadur, have suffered from that. I am no exception and I think I have suffered perhaps more than the Raja Bahadur. But that is not the point. The press all over the world is a partisan press and nowadays propaganda is the object of practically every newspaper in the world. If the press is to criticise at all, you must allow sufficient liberty. Who is to judge whether a certain comment is a fair one or not. Sometimes even in this House Honourable Members who criticise one another often exceed the limit. But I know if you exceed the limit beyond a certain point, no doubt you create mischief. But who is to judge? We cannot give to the executive the power to judge that. By this Bill you are introducing provisions for forfeiture of the press and this power is given to the executive when, in the opinion of the executive, the press has transgressed certain limits. Now, what I submit to the House with every confidence is this, that everyone, who has any public function to perform and who deals in matters affecting the public and the people generally, has got to put up with criticism, sometimes biased criticism and sometimes very unpleasant criticism. But that is no reason why the rulers of Indian States should claim exemption. They are dealing with the lives of millions of people and, surely, in this twentieth century, why should the princes claim exemption?

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Do they claim exemption?

Sir Abdur Rahim: If they do not, I do not really see any object in passing this law.

Mr. S. C. Mitra: The princes do not want it, but it is the British Government that are forcing this on the princes.

Sir Abdur Rahim: That is again a point on which I should like to have information from the Honourable the Home Member, whether any large body of princes have asked for this law.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadan Urban): The members of the Standing Committee of the Chamber of Princes asked for it in 1930.

Sir Abdur Rahim: I am talking in 1934.

Mr. N. M. Dumasia: The Government have been very dilatory.

Sir Abdur Rahim: If the princes have asked for protection, then are we not entitled also, on behalf of the people whom the princes rule, to ask for certain protection? There ought to be reciprocity in matters like this. We have been told by the Political Secretary that there are 563

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Indian States and there are 442 newspapers in those States. I must say, this is a bit of revelation to me, yet I am not convinced what sort of newspapers there are in the Indian States. Are they really conducted by Government, a sort of Government Gazette, the Prince's Gazette? If that is so, it is no use to anybody. So far as my experience goes and from all that I have heard, there is no such thing as a free press in the Indian States. I believe there are some States where there is a good deal more toleration than in the others, but they may be not more than half a dozen. In most of the States, there is no such thing as a press. I am certain of that, and, I am sure, the Political Secretary will not challenge me on that point. There is no such thing as a free press in the Indian States.

Now, apart from the press, what other means do the people of the Indian States have for the redress of their grievances? We have here this Assembly, we have in the Provinces the Legislative Councils where there is freedom of speech. Is there any such body in any Indian State? I know in some there are some sort of Councils and perhaps in some States a certain amount of freedom is allowed, but in most there are no representative bodies and, if there are any, they are very different from the bodies such as we have in British India. Then, what remains? What means have they got? What are the remedies available to the people of the Indian States? Each one of them must go with a petition to the prince or his minister. I ask the Government if, in the twentieth century, even in India, that is the proper remedy? If the mass of the people of the Indian States are to be confined to that remedy, that they have to go with folded hands with a petition in their hands and place them before some one if he chooses to accept it, surely that is not a remedy which we can regard as at all efficacious or worthy of our approval.

Mr. S. C. Mitra: The petitioner will be victimised the next day.

Sir Abdur Rahim: Then there is the Political Department. The operations of the Political Department are wrapt in obscurity, I think even my Honourable friend, Mr. James, wanted more publicity. Will he plead for it with the Political Department? If he does, then I shall be partly relieved of the anxieties I feel. The operations of the Political Department are wrapt in obscurity and they take their position on the basis of dealing with foreign States. Is that the real position? If that were so, I could understand it, but that is not the position. They represent a sovereign all powerful power. They say all that we want is, we do not want to be interfered with by public opinion in British India. But I ask the Honourable the Political Secretary, whether public opinion in British India has not strengthened their hands on occasions. Can he deny that? Has he not obtained suggestions from British India which he has accepted? In these days, you cannot shut out public opinion, nor is it desirable to do so. We must allow some latitude. If there were proper constitutional means available to the people of Indian States for expressing their views on public measures and what concerns them in their lives, then, I am sure, no such question would have risen today and in British India nobody would occupy themselves with the affairs of the Indian States. We have got enough to do for ourselves. To look after our own affairs is a pretty big task; we give the Government of British India a good deal of trouble, and we would never think of interfering with

the States if they had institutions like these. We appealed in London to the representatives of Indian States,—I think it was His Highness the Aga Khan himself who appealed to them,—to see that they do institute some modern methods and institutions by which the people can represent their views and grievances, and I, on the floor of this House, wish emphatically to endorse that appeal. Sir, both the Hindus and the Muhammadans are vitally interested in this; we want the States to prosper. We want States' Administrations to establish themselves as beneficent Governments, Governments which may usefully be imitated by others. That is our desire. The personnel of those States and Administrations is mainly Indian and we want them to be as successful in their administration as possible. That is our desire, and we do not want to hamper them in their administration. Therefore, we say that the Political Department should see to it that, as soon as possible, some sort of representative institutions are established there. I do not say they should take away the power of the rulers; the rulers will naturally have certain overriding powers left to them. Here, even in this Assembly, we cannot criticise the actions of the Viceroy and the Governors. The rulers can, therefore, legitimately expect that their actions should not be criticised on the floor of any representative Assembly. But apart from that, means will have to be devised by which there will be some constitutional way of expressing the views and wishes of the people.

Sir, I shall now come to some of the more important provisions of the Bill. As regards the provision relating to prevention of formation of groups of men in order to invade any Indian State, I do not think there will be any opposition from this side of the House, provided you want to prevent not mere demonstrations, but real conspiracies to subvert any State or Administration by violent means. If any groups of persons form themselves into a conspiracy in order to subvert the administration of any Indian State, I think this side of the House will generally agree that such a provision may be allowed. That, I believe, is clause 5, but clause 5 is so worded that it is not merely aimed at preventing people from forming themselves into groups or assemblies in order to overawe any Government in the States; it goes much further. It may strike at any movement for obtaining redress of the grievances of the subjects of the States. If my reading of that clause is correct, then it is to be re-worded and the present wording is to be set right.

Then, as regards clause 6, I must say that I find it very difficult to understand what it really means; and most of us are rather afraid that it might be used in a most arbitrary manner, because it gives power to the Magistrate to direct any person to abstain from any act if the Magistrate considers that such direction is likely to prevent or tends to prevent interference with the Administration of a State in India, etc. That is really so widely worded that it may stand in the way of any one taking any action in order to see that certain evils which may prevail in any Indian State may be set right.

Now, as regards clause 3, i.e., amendment of section 121A of the Indian Penal Code, apart from the question of its constitutional correctness, it will also have to be considered how far it is desirable to have a law in the way that it is worded in this clause. But the clause in the Bill, which is giving us the greatest amount of uneasiness, is clause 4; and the real objection to that, from my point of view, is that it wants to curtail the jurisdiction of the Courts and substitute executive action for

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judicial procedure. Sir, I do not wish to take up any more time of the House; I want only to make this clear once again that the causes and the circumstances which led to the passing of the Criminal Law Amendment Act do not exist in this case at all. There is no question of dual policy and there is no civil disobedience with respect to any of the Indian States which is to be dealt with; and these were the two reasons by which the Criminal Law Amendment Bill was justified. The Honourable the Home Member will remember that, were it not for the announcement of the dual policy, and were it not for the fact that the new Constitution was actively under consideration, a new Constitution to which we were all looking forward as inaugurating a new era in the history of India, he would never have got a majority of this House in support of that Bill. If the Honourable Member bears that in mind, then I say that there is no justification whatever for extending the provisions of this law to the matter under consideration.

Sir, so far as the reference of this Bill to the Select Committee is concerned, there are certain provisions which, if properly amended, would be supported. But there are other provisions the principle of which will, I think, be resisted, but, as both are mixed together, it may be difficult for us to say whether it should go to the Select Committee or not. This is all that I have got to say at present and I do ask the Honourable the Home Member and the Government generally to consider very seriously whether this is the time and the occasion on which the principle of the Criminal Law Amendment Act should be extended.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural):

1 P.M.

Sir, this Bill involves certain principles and I will deal with every point in its proper place. I think the first thing which it aims at is the control of the press which wantonly attacks princes and their administrations with the purpose of blackmailing. The other thing aimed at is to stop the agitation against the States when that agitation is carried on in British India for the purpose of coercing the administration of an Indian State to accede to the demands which may not be considered right by the ruling prince. The third principle on which this Bill is based is reciprocity.

As to the first point, nobody in this House can hold any different view: it ought to be stopped. We know that there are two kinds of attacks made on princes: the first is on the personal character of a prince, which certainly every one deplores and it must be stopped at once. No encouragement from any side can be given to the press, which, in order to get some money from princes, indulges in attacks on them or on their families.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

This kind of blackmail is one which ought to be stopped at once. I know there are certain papers which are living merely on the money they receive from these quarters; and as the Honourable the Political Secretary, whom I congratulate very much on his very lucid speech—it was the first time I heard him—said, some papers go on attacking the princes and, all of a sudden, their attitude changes, because the material which is supplied to them is changed. This has got two aspects: first of all, it shows that the press was guilty of trying to extort money; and there is, therefore, every justification to stop these blackmailers; but, at the same

time, I will say: "Is it right for the princes to give money to encourage these people to go on blackmailing them?" Have we not suffered from the hands of the press? Have we not found ourselves attacked day after day by certain papers? What is the attitude we took then? We just treated them with the contempt they deserved; even when this press was indulging in attacks against those Members of the House who supported the Government at the time when the Ordinance Bill was under discussion—and the Government can see from the cuttings from papers how we were depicted and what attacks we were subjected to—we carried on without being in the least influenced by them; and I am glad to say that those of us who supported that Bill in 1932 find that it has brought about such results as were looked for at the time: we come here as the representatives of our constituencies, but our constituencies can only know what they read in the newspapers; we are not going to challenge and show our speeches and explain our character to each and every member of our constituency. Our constituencies are influenced by what they read in the papers; and although we knew we would suffer personally and that the results will not be beneficial to us when we stand for the next election, we came here to do our duty, no matter whether we get elected next time or not: we did not care about it as long as our conscience was clear that what we did was for the good of India; and I am glad that the results show that it was for the good of India. If the Indian princes adopt this attitude and ignore the press which attacks them, these people will soon die because they will have nobody to support them. The only remedy, as I say, is to treat them with contempt if they are attacked in their personal capacity. But there is another side and that is when their administration is attacked. When such attacks are made a prince cannot stop it altogether, because, as long as it is fair criticism and is kept within bounds and is made for the betterment of the people, no objection can be taken. But if such criticism is not *bonâ fide* but is made with a view to extorting money and not for the good of the people, then it ought to be stopped. I find there is another justification in this Bill about that section which has been pointed out by the Honourable the Political Secretary: that once the State subjects begin to demand or agitate about their rights from the ruling prince and that ruling prince happens to belong to a community different from his subjects, then there springs up a kind of propaganda within British India to attack some other ruling prince belonging to the religion of the former's subject for the purpose of counteracting that propaganda. This is really a very deplorable thing, and people who indulge habitually in this kind of attacks must be stopped, because, they are prompted entirely by malicious motives, and, therefore, Sir, so far as this aspect of the matter is concerned, I give my full support.

There are, however, one or two observations which I wish to make in regard to this matter. I have several Indian princes who are my personal friends. I have a great regard for them for their great qualities of head and heart. They are very charming people, and, as far as I know, they have tried to do their best for their subjects. Some of them have a great desire to improve the general condition of their subjects, and they look upon their subjects with the same paternal care as we in British India look upon our tenants, and I would be the last person to subscribe to the view that has been expressed here that every prince is a bad man and that none of them has any good qualities. Of course, there may be a few princes who may not have very good qualities judged from a British Indian

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point of view, but still most of them have very good qualities and deserve our admiration. At the same time, when I say this, I say there are some who are lacking in independent judgment of their own and are generally guided by their advisers. In this connection I may give the House one illustration. I know of an Indian State in which a British Indian possessed a vast property consisting of about eight villages. He also possessed a big estate in British India almost adjoining the State. This gentleman had a suit by another claimant who wanted to have a share in this property. He challenged it and the matter went up before the High Court, and the real owner of this property was successful. But the appeal was again preferred by the rival claimant to the Privy Council, and there too the real owner was successful, but the claim of this man against the property, which was situated in the Indian State, was pending in regard to the eight villages. Now, the gentleman who was successful even in the Privy Council petitioned to the Indian ruler to the effect that he had won in his case and produced all the copies of the judgments, etc., of the Privy Council and prayed that the case pending in respect of the property in the Indian State might be decided in his favour according to the judgment of the Privy Council and on the same grounds. Some of the flatterers of the Indian prince told the prince: "Oh, look here, this man defies your authority, he wants to coerce you by quoting the authority of the Privy Council, and, therefore, judgment must be given against him". The result was that the Indian prince, instead of entrusting this case to his judges, decided the case himself, and he gave a decision against the man which was absolutely contrary to the decisions given by the District Court, the High Court and the Privy Council, with the result that all the eight villages of this poor fellow were confiscated, and the prince, instead of giving those eight villages to the litigant in whose favour the matter was decided, quietly took half of that property for his own use, and thus even the successful litigant did not get much and five out of these eight big villages went to the prince himself. Well, Sir, if this kind of administration goes on, and if anybody comes up to criticise in British India, it is but right. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member can resume after lunch.

In future, the Chair proposes to cut short the luncheon hour by a quarter of an hour. The luncheon hour will be from quarter past one to quarter past two, and the House will not normally be adjourned before 5 O'Clock.

The House now stands adjourned till a quarter past Two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Muhammad Yamin Khan: Before Lunch, I was giving an illustration of the kind of justice that is meted out in an Indian State so far as

the judiciary is concerned. Several cases have occurred and we should see that care is taken to ensure that proper justice is done to the people living in the Indian States. Comment on judicial acts in Indian States which are not properly done should be allowed in British India if that is not allowed in the particular Indian State concerned. At present, there is an Indian State, the young ruler of which is squandering all the money that was saved by his ancestors. Several crores of rupees were saved by his ancestors and, I do not know how far it is correct, the Political Department might know about it, it is rumoured the whole of the money so saved has been squandered by this young ruler. I know myself several cases of his extravagance. I heard one pitiable tale—I cannot take upon myself the responsibility for its truth, but as it has come up in the shape of a pamphlet which was addressed to the Political Department, a copy of which was sent to me, I take it that the allegation may be true, and that allegation is that a beautiful house which was built at a cost of nearly a crore of rupees by the young ruler's late father has been demolished and a new building is going to be erected in its place. In this way, the money is being squandered when the subjects of the State should have money devoted for the education of their children, for sanitation and other matters. The people began to agitate and they were turned out of the State. They came up to British India and began to hold meetings and the result has been that all their families have been badly treated by the Indian prince. When the injuring party is the prince himself, where can his subjects go for a remedy of their grievances? If the subjects say anything against the prince, they are thrown into prison without any trial and the only allegation against them is that they are agitators. We have heard a lot of tales since the death of the late ruler and the installation of the present one. There must be something underneath these grievances; they cannot all be false. If these subjects are not allowed to say anything within their own State, they must at least be allowed to come to British India, ventilate their grievances in the press, seek remedy at the hands of the Political Department. There must be somebody who should listen to these grievances if they are not properly treated, because we are accustomed here in British India that, even when a petty servant is injured, he has got the right of appeal from one authority to another, and so on, at last to the Governor General in Council. But, in the Indian States, the subjects are summarily dismissed, their property is taken away and confiscations are galore. As such, it is a matter of doubt whether any protection should be given to the princes in the way it is sought to be given in this Bill. But I will whole-heartedly support the proposition that the princes should be given protection when they are the injured party and not the injuring party.

It may have come to the notice of the Home Member that one executive engineer in British India, who was doing well here and held a very responsible post and was thought of well by his Department, was asked by a certain ruling prince to resign his British Indian post and accept the post of Chief Engineer in his own State. He resigned and his misfortune began when he accepted the Chief Engineership of that State. He was a favourite for some years, nothing could be done in that State without his intervention. If he recommended anybody, he got everything done. Then came suddenly a day when on some matter—I need not describe it here on the floor of this House—he gave offence to the ruling prince and the prince thought that he dared to talk to a person whom he should not have talked to. This being the offence, he was thrown into prison for his whole life and in order to hoodwink the British Government if intervention was threatened, some charges were framed against him after he had been thrown

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into prison. The result was that not only he suffered, but his father's property was confiscated, his brother's property was confiscated, and the whole family was turned out of the State. People who had been very loyal till the previous day were suddenly turned out of the State the next day. There must be some kind of provision by which the princes should be debarred from doing so. I must say that if there are a few whom we may be charging with this sort of thing, there are certain States which are doing very well and they are living up to the level of the British Indian administration; but we see that the grievances do not come from those States. There is Hyderabad, there is Baroda, there is Bikaner, there is Gwalior and other places: we have never heard of any grievances emanating from those places. These States do not care anything about themselves. Protection should not, however, be given to those people who do not come under this category and who are not treating their subjects in the same way as Hyderabad, Baroda and others are doing. The analogy or illustration is absolutely wrong, because if we had found that this administration is good and that, in spite of the good administration, there has been any attack or there have been some *jathas* going on or that the people are trying to subvert the administration, then there would be some justification. But the attacks in the press have been only against those people who have given some kind of cause for grievance to their subjects. Therefore, I submit the Select Committee should go deeply into this matter and remember that while they may protect the States from being blackmailed, at the same time they should amend the Bill in such a way that no hardship may be done to those people who are genuinely suffering at the hands of such administration. My only motive in giving these illustrations was just to give a hint to the Select Committee that they may not ignore the other side also, while, in their zeal, they may be wishing to protect one class of people.

Then, the question of reciprocity was raised. Sir, I think that question does not arise so much. I do not lay so much emphasis upon that as my friend, Mr. James, was doing in this respect. I think there is sufficient protection given by the British Government to the Indian princes, namely, that they are left free to do whatever they like in their States, and sufficient protection is given to them from being attacked from outside. They already enjoy full liberty in their States; nobody can encroach upon their States; people living in British India are incurring heavy burdens in keeping up a big military force which is meant for the protection, not only of British Indian frontiers, but also for the protection of these Indian States. Sir, if the protection of British India is taken away, then these States will be fighting against one another, as at the beginning of the eighteenth century they were doing. One will try to snatch away a portion of a State from the other. Sir, surely, after that, they cannot want anything more in the shape of reciprocity. If the British Government in India wants that protection should be given to them on this understanding alone that the British Indian Government fully protect them from whatever they may apprehend from outside, then certainly that is more than sufficient. Sir, my Honourable friend, the Political Secretary, was quite right when he said that people look to the ruler of a State with a paternal feeling. Sir, people in India are really accustomed to looking to personal rule. They have more confidence in men who can do justice at once and redress promptly all their grievances. Even the British officials know that wherever they have gone in any district, they become more popular if they are good autocrats. If, for example, the District Magistrate deals personally with

all questions, he becomes very very popular in an Indian district. That is an open secret. There is still a feeling prevalent in the districts that they like the District Magistrate to do justice at once, promptly, by himself and to be ready to listen to all things, and he may sometimes even ignore the technical law if thereby he may help the people and he may not feel bound by mere technicalities. I do not say that an Indian prince is not a very popular person in his own State, but there was a time when all these Indian princes came to be princes, because they still had to rely on the people of their State for their own protection and for the protection of their States. One ruler of a State was fighting with another ruler. All these persons mostly—not all of them excepting the Rajputana States, all of them came into existence when the Mughal Empire began to dwindle away and then these petty States began to be created. They started fighting and collecting forces and they entered into a treaty with the British Government and thus they got their States recognized, but these people formerly relied upon the protection which they got from the people of their own States, because, without their help, they could not possibly retain their property, and, therefore, they had perforce to look more paternally upon the demands of their own people, but, now, they are getting full protection from the British Government—not from their own Indian subjects—and thus they are becoming as it were a separate and opposite party to their own people. (Hear, hear.) That very idea which united them and which gave rise to the feeling in the minds of the people in the State to look to their rulers is gone and thus the paternal feeling of the Indian rulers also is gone, because their protector is somebody else, not their own State people. (Hear, hear.) The princes formerly used to be like tribal leaders. Just as we have come here backed by the support of our constituencies, so these people existed on the support of their people and so they had to look to their interests in the past, but now they have not got the similar feeling. (Hear, hear.)

Mr. S. C. Mitra: Like the Official Members?

Mr. Muhammad Yamin Khan: Of course enlightened rulers realise that their strength lies in the strength and prosperity of their State people, but many of them, I am afraid, have forgotten that they have to depend for their security and safety upon the prosperity and well-being of the people of their States. It does not now matter to them whether their people are prospering or not as long as they can get full enjoyment (Hear, hear), and they do not care for the benefit of their people, but, on the other hand, they set themselves up as an opposite party, and thus the kindly feelings of their subjects must go against them. Sir, I can give one example to illustrate my point. In 1926, there came up a Bill in the United Provinces Legislative Council, which changed the position of the Zamindars, and lots of Zamindars wanted to eject their tenants, because they could then re-lease the lands to other people on higher rent, and so the Board of Revenue issued instructions that the ejectment cases should not be allowed except up to a certain percentage based on the average of the past three years before this Act became law. On this condition the Courts said that "you can institute only so many cases". Unfortunately, Sir, I had one case instituted to eject one of my tenants in one village, and when that suit came before the Court, they asked me to withdraw it on the ground that I had not instituted a single ejectment case in my village for the last 20 years. The fact of the matter is that we have never looked upon our tenants in a harsh way. If they had no money to pay, they need not

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pay: we do forgo it. If they prosper, we also prosper, and if they do not prosper, we also share their lot. So, if the ruling princes still go on looking at their subjects in that spirit, they can still enjoy their confidence as they did before. But they are not doing that, because they depend upon their protection from somewhere else. Therefore, I think that the law should be framed in such a way that it gives protection to both the sides. The point in this section is about the administration. The principle of the protection of the prince is one thing and the protection of the administration is quite different. The Administration will have to be criticised by the people when they are injured and notice may be taken of this point by the members of the Select Committee.

Now, Sir, there is also a legal point involved in this which I have to bring before the House. This Bill also affects the provisions of the Indian Penal Code, and I would be the last person to say that a good law may be altered into a bad law even for the sake of an emergency. Of course, I do not mind if a separate enactment is made for the purpose. I see that section 15 of the Indian Penal Code is being amended and a new definition is being put for the word "India". If we look at section 1 of the Indian Penal Code, we will see that it applies only to a certain part of India; it does not apply to the whole of India. Besides, that law was not made by the Indian Legislature; it was made by the Parliament and, therefore, it cannot be altered by any Act of this Legislature. The words of section 1 are:

"This Act shall be called the Indian Penal Code and shall take effect throughout the whole of the territories which are or may become vested in His Majesty by the Statute XXI and XXII Vic. Chapter 106, entitled 'An Act for the better Government of India'."

Now, the Indian Penal Code is applicable only to those territories which are mentioned therein, and you are applying one section alone out of this whole Act to the territories which do not come under the purview of this section and where the Indian Penal Code is not applicable. Merely by putting in a definition and by putting in "local administration", something is being done which is not really desirable. I do not like the word "India" which is given here. What does it mean? The words "an Act for the Government of India" are again repeated in section 14 where it is said:

"An Act for the better Government of India by or under the authority of the Government of India or any Government."

Now, Sir, in order to change the words "British India" the word "India" is introduced, which includes the territories of the Indian princes. So, it means that only those territories are taken away from this section which do not come under either of these two categories, such as, the French and Portuguese possessions. Now, Sir, I will refer you to section 108A of the Indian Penal Code. That section says:

"A person abets an offence within the meaning of this Code who in British India abets the commission of any act without and beyond British India which would constitute an offence if committed in British India."

Now, Sir, this section gives to the Government the power of reciprocity for which they are asking. Suppose a British Indian subject begins to conspire within the territories of the Indian princes, he can at once be hauled up in British India although he did not commit the offence within British India, but committed it in an Indian State. Not only this, but this section also dealt with another thing. If anybody comes from outside British India or he may be a British Indian subject and begins to conspire

to do a certain act which is an offence within British India, but is not committed within British India, but is going to be committed in the territories of the Indian princes, that man can also be hauled up here. Therefore, I maintain that this law is sufficient to give protection against the *jathas* if the object of these *jathas* is to commit an act in the Indian State territory which, according to the Indian law, is an offence if it had been committed within British India. So I do not think there is any need of having any kind of Act against the *jathas* when the provisions under the existing law are quite sufficient and I do not wish that we should try to meddle with this law again. Section 121A of the Indian Penal Code is sought to be amended. I see in that section there are many difficulties. This section will be spoiled if the amendment which is sought to be made here is incorporated. It will become meaningless. This section says:

"Whoever within or without British India conspires to commit any of the offences punishable. . . ."

There are two places where a man can conspire to commit an offence either within British India or outside British India. Here the word used is "whoever". What does it mean? Does it mean a British Indian subject or anybody coming from an Indian State? Supposing the people of the Rampur State try to conspire and do an act in the Alwar State against Rampur, will they come within the purview of this section or not? The words used here are "any Local Government or the administration of an Indian prince". Supposing some people in Rampur want to commit an offence in the Rampur State, but they conspire to do so in the Alwar State, will they be hauled up under this section? What does the word "whoever" mean in this case? As we understand the word "whoever", it only applies to people living in British India, British Indian subjects. If a British Indian subject conspires within or outside British India for this purpose as enumerated in section 121A, he is guilty and he can be hauled up before a Court. But if a Russian State subject or if a man coming from Germany, but living in Russia, should conspire, can he be hauled up under this section, because you have no extradition rules about this? I, therefore, submit that this word "whoever" cannot apply to anybody except a person who owes allegiance to the King-Emperor and who wants to deprive His Majesty of his sovereignty by conspiring within British India or without British India. That is the whole gist of the Act. Now, by your amendment, you are complicating the whole thing and how do you expect the Courts to decide what it means and who is a guilty person and who is not and who comes within the purview of this section and who does not? Therefore, it will be far better to leave this section alone. If you want to give any protection to the Indian princes, by all means have a separate enactment, and it will have my whole-hearted support. Do not touch the Indian Penal Code which is really a great asset to British India and it will be very deplorable to spoil such a measure.

Another point that I wish to say is this. How is a District Magistrate expected to know that two persons are going to commit an affray because an affray is, if two persons fight in a street, and if more than two persons are involved, it becomes a riot. How on earth can a District Magistrate know that an affray is going to be committed and how can he stop it? I know there is section 107 and section 110 of the Criminal Procedure Code under which the District Magistrate can stop people from doing a certain act. Again, there is section 108 under which the District Magistrate can stop people from doing certain other act. Those are preventive measures. But what will be the authority through whom a District Magistrate is

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expected to know that two people will begin to fight in the streets of an Indian State after walking up 20 or 30 miles? Take, for instance, the people in Gurgaon, and if two people of Gurgaon go to Alwar and start fighting, how is a District Magistrate in British India expected to know this? Supposing two men from Moradabad walk into Rampur and begin to fight with another man, how can a District Magistrate in British India take notice of it? So this is a very difficult question and the law that you are going to enact will find very little support and the object which the Government have in view will not be achieved. If a man is determined to commit an offence in the British territory, he can be proceeded with under section 107 or 109. But if a man concealing his identity wants to commit an offence, he comes within the jurisdiction of a District Magistrate in British India and can be hauled up here.

The Honourable Sir Harry Haig (Home Member): Offence committed where?

Mr. Muhammad Yamin Khan: The offence may be committed anywhere. If the man is within the jurisdiction of a Magistrate, he can be stopped from committing the offence. Either the offence intended to be committed within the jurisdiction or the person is to be within the jurisdiction of a District Magistrate if he has to proceed against the man. Supposing a man living in Delhi wants to commit burglary in Meerut

The Honourable Sir Harry Haig: We are not now talking of Meerut District, but we are talking of Indian States. Can the Honourable Member explain to me how a Magistrate in a British District is able to prevent a man within his jurisdiction from committing an offence in a State?

Mr. Muhammad Yamin Khan: That is why I quoted section 108A of the Indian Penal Code which says that a person who abets an offence within or beyond British India which would constitute an offence if committed in British India can come under this section. If a person in British India instigates another man in an Indian State to commit an offence, then that man, who abets the commission of the crime, can be hauled up in British India as if the crime has been committed in British India. So I submit that section 108A gives full power for the Magistrate and I do not know how this section has escaped the notice of the Legal Advisers of my Honourable friend. If they go thoroughly into the matter, they will find an *Illustration* given under section 108 which is as follows:

“A” in British India instigates “B” a foreigner in Goa to commit a murder in Goa, “A” is guilty of abetting the murder.”

The *Illustration* is given under this section. So it is quite plain that anybody committing an offence outside India, which is an offence within British India, is punishable already under the Indian Penal Code. I, therefore, submit that this point should not escape the notice of the Select Committee that there is ample provision, and I do not know how it can be said that the law is not sufficient at present. If I were a Magistrate, I would certainly hold up the man at once under this section and say that it is within my jurisdiction. I want that proper care and attention should be paid to this. There are certain Indian princes who will certainly not like a thing as this, because, if a man wants to proceed in their territory,

they can catch him up and he can be much better tried in the Indian States than in British India. If Government here proceed against him, they will be courting unnecessary criticism, but, if he is proceeded against in the Indian State, nobody will ask questions here. If such people are caught within a British district, there will be hundreds of questions from my friends, Mr. S. C. Mitra or Mr. Gaya Prasad Singh, or Dr. Ziauddin. If Government want to do this, let them alter the law in such a way as would serve their purpose and not bring injury to anybody.

I attach great importance to one thing which has been mentioned by my Honourable friend, Mr. James, although I have no knowledge of it myself, but I accept his authority for it. The point is that in the Indian State they have no Arms Rules; and if firearms from the States find their way into British India in connection with the terrorist movement, certainly the Political Department of the Government of India will be justified in taking action to prevent that. My idea up till now was that these arms were not coming from the Indian States, but from somewhere else; but if it is the case that they are coming here from the States, then certainly steps have to be taken against it.

I do not agree to a certain extent when it is said that there are treaty rights with these Indian princes. I say there is no treaty right.

3 P.M. What is the treaty and with whom is the treaty? There were three kinds of treaties which were made. The first treaty was made by the East India Company when they were carrying on some work in India without any legal authority. That treaty was not with the Crown in England, but with a purely commercial body who did this for their protection and they also gave protection with their soldiers. But that treaty cannot be called a treaty with the British Crown. The second class of treaties were those entered into by the East India Company as a legal authority carrying on contractors' work on behalf of a legally established authority, i.e., the Mughal Emperors Shah Alam II, and Akbar Shah II. On their behalf, they entered into certain treaties, because they were the legally established authority, and whatever they did on behalf of the Sovereign may be called a treaty. Then, when the British Crown took up the government of this country, Queen Victoria occupied the same position as the Mughal Emperors and the treaties made in the name of the Mughal Empire became treaties with the British Crown. The British Crown can be considered in two aspects; one is the King acting in Parliament, the other is the King acting with the Indian Government. I need not deal with all this and will leave this point for my Honourable friend, Mr. Raju, who has made a study of this and written articles in the papers about it. But I think the constitutional position is that a treaty can be made with a *de jure* authority, and not with a *de facto* authority only. But both must exist side by side and, therefore, the King of England holds the same position, as far as India is concerned, as would have been a treaty with the established legal authority at that time in India. Therefore, they are bound by those treaties, but there were certain people also existing at that time with whom there was no treaty either on behalf of the Mughal Empire or on behalf of the East India Company. Those treaties are nothing. Some people came in simply because they were subordinates or hereditary people who were governing certain provinces on behalf of the Empire. If there is a treaty with them against the established legal authority, that treaty must be null and void. No constitutional authority will pronounce these treaties as sound, but I am not an authority and this House is not an authority to go into these questions. These may be left

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to the proper authorities to decide. But my position is this, that whatever may be the constitutional position, those princes are enjoying a great protection and prosperity on account of the army which is kept in British India by the Supreme Power but for whom they might have been washed away. In return for this, the Supreme Power has a right to demand that nothing should be done in their States which may endanger the established Government within British India. I am not very much charmed with the Federation which is coming, because I see ahead a danger that these people will demand from British India something which they are not entitled to at present. They will want many things which they do not deserve and they will be threatening from inside. Now, they can only beg, but once they come inside, they will combine against the British Indians and even against the Government of India, because they are worshippers of the rising sun and not of the outgoing authority and the result will be that they will want to take everything at the point of the bayonet where they are coming now to beg. That is the danger of the Federation which is coming. But that is not the concern of this House at present. The only thing is that, when this Bill is considered in the Select Committee, these points should not be ignored. I am not against the reference of this Bill to the Select Committee, but they should take account of the matters which I have stated. Although I was opposed to the kind of protection being given in the Ordinance Bill at that time, my objection was not this that these princes should not enjoy protection, but the objection only was that it might not be amalgamated with the Bill which was meant only to restore peace and order within British India, and if the restoration of peace and order within the Indian States was also aimed at and protection to the genuine people was being given simultaneously, innocent people might not suffer.

Mr. S. C. Mitra: You wanted a separate Act: you should oppose it.

Mr. Muhammad Yamin Khan: I did oppose it in the Ordinance Bill. Now, Sir, that Ordinance Bill has not become a permanent law, but is a temporary law. If this clause had been inserted there, it would have been a temporary provision. Therefore, the present measure also should be temporary until the Federation comes, because the Indian princes will then be strong enough in this House and in the other House to have any measure they want, and there will be no difficulty in giving them any protection that they ask for: but now the only concern of the British Government is to give this power till that time comes. I, therefore, think that this should be a temporary measure without touching the Indian Penal Code, so that nobody will suffer and both sides will gain. With these words, I support the motion for Select Committee.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I confess that I have suffered from a certain disability in not being present in the House when the Honourable the Home Member moved the reference of this Bill to Select Committee. But it is clear from his speech and from the Statement of Objects and Reasons appended to the Bill that the Honourable the Home Member had undertaken the onerous duty of piloting this Bill through this House with a view, as he says in the Statement of Objects and Reasons, to facilitating the forthcoming constitutional changes adumbrating a new Federation for India;

and, in the speech which he delivered on the 6th September, 1933, I find these pregnant sentences: at page 1088 of the Debates, he says:

"But the facts of India render that impossible unless we intend to cut out the Indian States from India—an impossible task, I would suggest—and if we want to achieve that broader unity which is essential in the interests of India as a whole, I think it can only be achieved by recognising a wide diversity in the form of Government in the various units. That, indeed, has been from the beginning one of the obvious and unavoidable facts of the problem. It has been accepted as a fundamental proposition by those who have for some years past now been devoting their attention to the evolution of a new constitution for India. There is no need to press all units, Princes and Provinces alike, into the same mould; and any such attempt would lead to complete failure and disruption instead of unity. Therefore, let British India at the outset show that it is not entering into a Federation with the States with a feeling of fundamental hostility to the form of Government that prevails in the States. This is no foundation on which a partnership can be built."

That seems to be the main objective which prompted the Honourable the Home Member in piloting this Bill through this House; but when we heard the other day the speech of the Honourable the Political Secretary, upon which I congratulate him, he made it abundantly clear that the three outstanding facts which have prompted his Department to initiate this measure of legislation are, first, the maintenance as far as possible, of paternal rule in the States; and, secondly, the non-interference by British India with that rule ensured by the two methods recommended in the Bill, which are, first, preventing the assemblage of persons in British India with a view to making an incursion into the territories of an Indian State, and, secondly, preventing newspapers from animadverting upon the administration of those States; and, thirdly, as the sequel, I think, is the clause—clause 6—which generally deals with interference with the administration of those States.

Now, if the principle of the Bill be to protect the Indian princes in the paternal administration of their States. I do not think that this Bill will serve that purpose; and, if it did serve that purpose, I ask the Honourable the Political Secretary, whether he is not doing the greatest disservice that any friend of the Indian States can do to the Indian princes themselves; we have heard of a safety valve and we know that by the pressure that is being exercised in British India the Indian States are moving in the direction of progress and the Honourable the Political Secretary has pointed out that many States have initiated institutions on the lines of institutions in British India. If that be the case, I submit that we should pause before interfering with the progressive pressure that is being brought to bear upon the Indian States by British India, and I go further and say that with the best will in the world, if British India and the Indian States had both been locked up in water-tight compartments and had not been scattered all over the country as they are, it seems to me humanly impossible that British India should progress and the Indian States should not. Their progress may be slow, but I venture to submit that no legislation, that has yet been devised, would ever bring about the result which I see underlying the speech of the Political Secretary, that the Indian States bear a paternal relationship to their subjects and the subjects, when in difficulty, go to the princes. Well, Sir, I do not wish to offer any comment on that statement, but what I do say is this. I ask the Honourable the occupants of the Treasury Benches to answer two questions that I wish to address to them. They know that the scheme of paternal Government was tried for British India, and it has been tried for long, and they know now that it is a failure,

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and, consequently, with the introduction of the reforms from time to time and the reforms now looming large in the horizon, a democratic form of Government is recognised as the only form of Government suitable for British India. I do not think there will be any doubt about it in the mind of any one

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): I certainly doubt it.

Sir Hari Singh Gour: Barring certain reactionaries whom I do not take into account, but I say that, so far as British India is concerned, the policy of the British Government is in the direction of a democratic rule. Now, let anybody look at the map of India and see how these 600 and odd States, large and small, are situated throughout the length and breadth of India. The difference between a British Indian province and the Indian States is merely a geographical distinction, always imaginary, and never real. People from British India go to the Indian States, and those from Indian States come to British India. Can we for one moment believe that, while in British India we have a system of democratic Government, the subjects of Indian States would be happy in the thought that they have still a patriarchal form of Government? I ask this question in all seriousness. That is the first question. Then the second question, Sir, is this. Assume for the sake of argument that we placed upon the Statute-book not this Bill, but a still more rigorous measure barring the intrusion into Indian States of any man or woman imbued with a political feeling

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Women also?

Sir Hari Singh Gour: Yes, women also,—imbued with a political feeling and suspected of inculcating democratic ideas into the minds of the Indian State subjects, but the subjects of the Indian States, land-locked as they may be, would still have their schools and colleges, they will still read English books, they will still study newspapers and they will cast their eyes around the changing kingdoms and changing history of the world, and when they sit round their fires, they will ask themselves one question—Here is a map of the globe. During the last 25 years there has been a marked transformation in that globe; old kingdoms that traced their descents from the sun and the moon have disappeared from the face of the earth; there is not one single autocratic Government in any country; in all Asiatic countries you have some form of Parliamentary Government. In Europe also you have some form of Parliamentary Government; we the Indian States are the only States in the whole universe which have a form of paternal Government in which all power is centered in one man and his will is the law for the State

Mr. F. E. James: What about Germany?

Sir Hari Singh Gour: Now, I ask Honourable Members to say whether they think that the subjects of Indian States would for long be satisfied with this Government, and I go further and ask—if there is not to be a steady progress stage by stage towards a democratic form of Government, would it not be like a slow fire simmering in a house of which the doors and

windows have all been sealed up? What would be the result?—a sudden explosion, and these monarchies, preserved by the mighty arm of the British, will disappear from the face of history. The repercussion of British India upon Indian States is, therefore, unavoidable, and I venture to think, to a certain extent, it is profitable to both sides. Now, I see an undercurrent of thought both in the speech of the Honourable the Home Member and in the speech of the Honourable the Political Secretary that, in order to prepare ourselves for the coming Federation, we must dangle a carrot before the Indian princes.

Now, Sir, I myself am a confirmed believer in the Federation, and, therefore, I can speak with a certain amount of bias in favour of the Federation. But let me ask Honourable Members two questions, and those questions are these: What is the position of the Indian princes *vis-a-vis* the Government of India today, and what will be their position under the Federation? We have been often told, and it seems to be an underlying current of thought passing through the speech of the Honourable the Home Member that the Federation would be made easier if we were to give the Indian princes the kind of assurance which this Bill is calculated to give, and it is in that connection that I wish, Sir, to speak to you, and through you, to those outside this House who may be of a similar view, that, in coming into the Federation, the Indian princes are conferring upon British India a signal favour. From a constitutional point of view, the position as I see it today is as follows. Under the Government of India Act, the Governor General's Executive Council has not only jurisdiction over British India, but over princely India. Consequently the occupants of the Treasury Benches are responsible for the good Government of the two Indias, British and Princely, and though we have no responsibility, nor indeed are we entitled under the Government of India Act to directly criticise the administration of Indian States, the fact remains that, under the very treaties and the interpretations of those treaties, the Viceroy's Executive Council can use the British arm, which means the British and Indian troops in this country, for the purpose of maintaining law and order in the Indian States, and what is more, to preserve the internal sovereignty of the Indian States. So far as the Indian army is subject to the control of the Legislative Assembly—and it is to a very small extent—we can use pressure upon the Viceroy's Executive Council for the purpose of exercising their power for the good government of the whole of India. Under the federal form of Government, the position would be greatly changed. Under the scheme of the White Paper, the Federal Government will have a certain circumscribed jurisdiction over the two Indias, both British and Princely, but, outside that jurisdiction, neither the Governor General nor his Ministers will have any jurisdiction and much less will the Federal Assembly or the Council of State that will take the place of the present Central Legislature.

Now, I said a few moments ago that if this Bill is intended to be a bait to bring the Indian princes into the scheme of the Federation, it is misconceived, and I wish very briefly to give my reasons in support of my view. It has been spoken from the platforms and also written in the press that the whole scheme of the White Paper, so far as it introduces responsibility in the Centre, depends upon the co-operation of the Indian princes. That is perfectly true, but it is equally true, though

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it is not stated in the White Paper, that responsibility of the Centre cannot long be delayed, and whether the princes do come in or do not come in, he would be a very bold statesman who would declare that he could rule this country for long without giving a large measure of responsibility in the Centre. That seems to be the inevitable evolution of the Indian Constitutional Reforms. Therefore, if the princes do not come in, what is the position? At the present moment, undue emphasis is laid by the Indian princes on the fact that their relations are with the Crown and that the Crown and the Crown alone can control their action. The princes seem to entirely misconceive their situation. I will assume, for the sake of argument, that the Indian princes are in relation with the British Crown. Is there anything in the treaty that prevents the British Crown from acting upon the advice of its Ministers? Today it acts upon the advice of its Cabinet in England. Today it acts upon the advice of Honourable Members who constitute the Viceroy's Executive Council. The princes may have their treaty with the Crown, but they cannot circumscribe the action of the Crown in acting in a constitutional manner which it has been doing for a long time past. The voice of the King is the voice of the British Cabinet, and it is the British Cabinet that determines the policy regarding the Indian Princes. Therefore when the princes speak of their constitutional relationship with the British Crown, they seem to forget that the British Crown is now a constitutional monarch and the constitution of the British Empire transfers those sovereign rights to the British Parliament. Consequently, whatever rights the person of the King possessed have all been transferred—barring one or two which I am not going to detail now—to the Parliament of Great Britain. The Parliament of Great Britain is perfectly entitled to delegate its powers to the British Indian Government and the British Parliament can say that whatever counsels it gave to the King shall hitherto be given by the Indian Cabinet. The British Indian Cabinet can, therefore be the voice of the King in its relation with Indian princes. So, if the princes do not come into the Federation, they will be the worse for it, and let them not for one moment think that they are conferring any special boon upon British India by coming into the Federation. I used these words elsewhere and pointed out that the Indian princes should not for one moment think that they would be in a position to exact their own terms, because they can indefinitely defer the grant of responsibility in the Central Government. Now, Sir, that is the real constitutional position, and it has been accepted and will be accepted by any impartial constitutional lawyer who considers it.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I, therefore, think that we should not offer more than is legitimately due to the Indian princes for the purpose of bringing them into the scheme of the Federation. I wish to ask the Honourable the Home Member and the Honourable the Political Secretary not for one moment to cast their eyes upon the Indian princes by giving them any special facility for perpetuating their autocratic rule as a sort of solatium for their coming into the Federation. The question, therefore, must be decided independently of the question of the Federation.

The Federation having gone out of the consideration of this Bill, what remains? The Political Secretary said that we find the people of the

Indian States very fond of their rulers. They look upon the ruler as the parent of the people, and, whenever they are in a difficulty, they go up to him. If the Political Secretary were indulging in a myth, then I would congratulate him upon its aptness, but, as a statement of fact, can the Political Secretary think that the people of the Indian States are satisfied with the autocratic rule of the princes? What becomes of the Conferences after Conferences that are being held throughout the length and breadth of this country for the purpose of terminating the autocratic rule of the Indian princes? What becomes, Sir, of the numerous telegrams which must have been disturbing the repose and leisure of the Honourable Members on this side of the House? (Mr. N. M. Joshi: "And destroying their sleep too") . . . and, as my friend, Mr. Joshi, says, destroying their sleep and their slumber too, in which they have asked that this Bill threatens the most elementary rights of the people's liberties in the Indian States and must be resisted at all costs? Now, is that an ebullition of an occasional feeling? Does that prove that the people of the Indian States are satisfied with the paternal rule of the Indian princes? (Laughter) I would ask in all humility this question—have the distinguished occupants of the Treasury Benches got even one or two telegrams from the people of the Indian States to say: "We, who love our prince; (Laughter), we who want no rights, we, who want to be taxed without any right to say as to how these taxes are to be disposed of, want nothing whatever (Laughter), and we are the happiest of all people, happier even than our discontented brethren in British India?" (Laughter). Is there a single telegram which they have received, or which anybody else has got?

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Yes, I have received a telegram.

Sir Hari Singh Gour: I would then regard it as a fabrication, and I would question its authenticity. Sir, we must face the facts: it is no use appealing to sentiments. The facts are clear. We all know what the facts are. My Honourable friend, the Political Secretary, told this House that in many States institutions on the lines of those in British India have been inaugurated. Well, Sir, I have also read of the inauguration of Legislative Councils and Legislative Assemblies in the Indian States, and I have attended one or two of them. It has also been my good fortune to appear in some of the High Courts of the Indian Princes (Laughter), and I can assure my friend, the Honourable the Political Secretary, that when he compares those institutions with institutions in British India, he is doing the institutions of British India an unconscious but nevertheless gross injustice. (Mr S. C. Mitra: "An insult.") (Hear, hear.) Sir, I should be very glad if the Indian States had institutions on the lines of those in British India, if they had their High Courts independent of the will of the sovereign, but I am quite sure that in the portfolio of the Honourable the Political Secretary you will find tons of paper refuting his own statement that the people of the Indian States are perfectly satisfied with the paternal rule of their rulers. I have only to appeal to him to go back to his Department and look at the numerous applications and complaints which are made by the people of the Indian States against their rulers. Therefore, I submit that if the object of this Bill be to support the autocratic rule of the Indian princes in the future, then the elected Members of this House will be guilty of a gross dereliction of their duty (Loud Applause) if they gave their votes in favour of

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the perpetuation of such rule. Are they in favour of this? (*Cries of "No, no", "No, no"*) Are they in favour of such rule in this country ("No, no"), and if they are not, would they be doing justice to themselves if they demand that their brethren across the border should have a rule different to their own? ("No, no.") That, Sir, is the question which agitates the minds of those who occupy the Opposition Benches and, therefore, when we are asked that we must perpetuate the paternal rule of the Indian States, and if that be the object of this Bill, then I submit my Honourable friends on the Treasury Benches will obtain scant support from this side of the House.

Now, I pass on to one more aspect of the question. It is stated in clause 6 of the Bill that the intention of the Government is that we should not in the slightest degree interfere with the administration of a State in India. The Honourable the Political Secretary knows and he has in fact confessed it that the administration of the States in India follows three degrees: bad, worse, and the worst. The best of them is bad, and the worse of them is no doubt worse than you can ever conceive of anywhere else! (Hear, hear.) Now, if the people in British India demand that there should be an improvement in the administration of the Indian States, would you penalise them if this clause is enacted into law, thereby once more making the Legislative Assembly of India responsible for the ossification of princely administration? Sir, I do not think any self-respecting Member of this House, who has been returned by his constituency for the purpose of liberalizing the Constitution of British India, would lend his hand to the perpetuation of this evil of maladministration in the Indian States.

Now, that is so far as the perpetuation of autocratic rule is concerned. But there are two other aspects of the Bill to which I should like to draw the attention of the House. If Honourable Members will turn to clause 4, dealing with the press—and I have some little difficulty due no doubt to my ignorance—and if they will turn to the marginal note of clause 4, they will find that there are references to two Acts, one of which is Act XXIII of 1931, an Act known as the Indian Press (Emergency Powers) Act, 1931. This Act had a life of one year from the 9th October, 1931, with a power to the Governor General in Council to extend it for a period of one year by notification and, therefore, by force of this notification, the Press Act must have ceased to exist as such on the 9th October, 1933. I do not know whether in the Simla Session or any other Session, at which I was not present, the life of this Act was extended or not. I do not know. If the Bill has already spent itself and, in any case, even if the life of this Bill has been extended to a further period of which I know not, then clause 4 is only of a temporary character. It will be either for a period of one year or two years or three years as the case may be. Now, take the other Act, Act XXIII of 1932. That Act is known as the Criminal Law Amendment Act and its life is three years from the date of 19th December, 1932. So that both these Acts, the Criminal Law Amendment Act and the Indian Press Emergency Act, are short-time Acts extending to two or three years. Now, this clause 4 amends these Acts, and, therefore, I wish to ask whether the intention of the draftsman or indeed of the Mover of the Resolution was to give clause 4, that is to say, the press restraint clause, only a short duration of two or three years. That is the first question I wanted to ask the Honourable the Home Member. If that be the intention, then that raises another question. We

have been told that there are a very large number of papers published in India which live by blackmailing. Now, I ask this question that if this clause has only a life of one or two years more after which it will cease to exist, only two things can happen. Either during that time you will have forfeited all these papers and none will exist or that the blackmailing after these two years will continue without any remedy which you wish to provide under this clause. So, I have not been able to understand why in this Act a matter dealing with a temporary emergency is coupled with measures which are presumed to be of a lasting duration.

Now, Sir, I pass on to the next point. Clause 5 deals with *jathas*. Now, the Honourable the Political Secretary has made no secret of the fact that he wants that there should not be a gathering of force in British India with a view to overawing Indian States and, to that extent, I do not think that there will be two opinions in this House. So far as these organised *jathas* are concerned and which were stopped by the Ordinances of His Excellency the Governor General, time has come when the Legislature should intervene and proscribe the gathering of force for the purpose of invading Indian princes. That, I submit, is a salutary provision in the Bill, and I do not think that anybody on this side of the House has any complaint to make against that provision which prohibits the gathering of force for the purpose of using it outside the British territory. But, then, when we review clause 5, it seems to be too wide, and judging from the opinions received on the Bill, I find that many people, who have recorded their opinions, are also of the same view. I would, therefore, submit that, while the object of preventing the massing of force in British India for its use in the Indian States with a view to overawing those States and to make them do things which they would not otherwise do is a laudatory provision, the clause must not go beyond the mischief it is intended to prevent. But the clause, as it is worded, does go beyond the immediate necessities of the case. Let me read the operative words of this clause:

"When a District Magistrate is of opinion that there is in his jurisdiction a movement for the promotion of assemblies of persons for the purpose of proceeding from British India into the territory of a State in India and that the entry of such persons into the said territory or their presence therein is likely or will tend to cause interference with the Administration of the said State."

Now, that, I submit, is not the real object. That object is also preserved in clause 6. The language "interference with the administration of the State" is too wide and that is a phrase used both in clause 5 and clause 6, and I submit it is to be recast. If you really wish that the clause must be restricted to the prevention of *jathas* to cross the border for the purpose of intimidating and overawing Indian princes and their administrations within their own territories, the clause must be so worded, but it should not go beyond the immediate purpose you have in view. Then, Sir, I have already said what I had to say regarding the press. I do not feel at all happy about this clause. It may be that I have not had the advantage of following the course of legislation last year, nevertheless I do not see the purpose that this clause is intended to serve. If I may respectfully say so, the Honourable the Political Secretary is on the horns of a terrible dilemma and that dilemma is that, if there is a body of blackmailing press which lives upon the Indian States, then the clause must be a permanent clause in the Bill. If, on the other hand, it is only a passing menace and will disappear in the course of a few months or the course of a few years, then I do not see how this clause will serve that purpose.

[Sir Hari Singh Gour.]

The only thing that occurs to me, as I said before, is that you must have somewhere in your sub-conscious mind a feeling that if this clause has only a life of one or two years, I shall see the end of those presses that have been in existence and living upon the ill-gotten gains which they make from the Indian princes, but that could not be your object. You must give them a chance to reform themselves and, I am quite sure, that I should be the last person to accuse the Government of that intention. Therefore, I feel somewhat perplexed at this clause which I have not been able to understand. I daresay that other Members of this House may be in a similar state of perplexity and I would, therefore, ask either the Political Secretary or the Honourable the Home Member to clarify our minds on this point. Sir, there is one more point to which I wish to draw the attention of the House. I have been very anxiously following the various clauses of this Bill, but I have not found anywhere any provision giving the convict the right of appeal. I want to know whether the Honourable the Home Member or the Honourable the Political Secretary wishes to bar the right of appeal against an unjust conviction under the operative clauses of this Bill. I have been very anxiously studying this point and I do not find that by any analogy, drawn from the Criminal Procedure Code, a right of appeal would be given to a convicted person. It is conceivable that he may have a right of revision, but a revision is another matter altogether. What I want to know is that if a person is convicted under clauses 5 and 6, has he got a right of appeal?

Mr. S. G. Jog (Berar Representative). The right of appeal is always there unless it is expressly taken away.

Sir Hari Singh Gour: Where is the right of appeal? Perhaps in the brains of my Honourable friend. The general law is that there is no right of appeal unless the Statute provides for it, and has the Statute provided for it? If the Statute has not provided for it, is there anything in the Criminal Procedure Code or anything in the processual law of this country that will give a convicted person a right of appeal? That is the question that I wish to ask.

Lastly, I agree entirely with my Honourable friend, Mr. Yamin Khan, that this question of *jathas* making incursions into Indian States is of recent occurrence brought about by a general rising in British India and the Indian States for greater liberty and more freedom and we hope that, with the advance of the new Constitution the mischief will not recur and if it does, the future Constitution must be trusted to deal with it. I would, therefore, suggest agreeing with Mr. Yamin Khan that the life of the Bill should be limited to a period of, say, three years.

Another point that I wish to state in this connection is the point to which my Honourable friend, Mr. Yamin Khan, has drawn the attention of the House, namely, that this is more or less an emergency measure and it would be much better if it were enacted independently of the Indian Penal Code. There are a number of difficulties, some of them have been pointed out by Mr. Yamin Khan, and one of them occurs to me at the present moment and it is this. Coming to the Indian Penal Code, it was primarily intended to codify the law of British India with reference to the offence committed in British India and though this would be an offence committed in the Indian State, it would be an offence begun in British India for the

purpose of committing a real offence in the territory of an Indian prince. I would, therefore, suggest that, for the purpose of making the Bill a little more palatable to this side of the House, the Honourable the Home Member might see his way to making it an independent Bill like so many other Bills that have found their place on the Statute-book.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan):

Sir, after this very long and exhaustive debate starting from 4 P.M. Simla, I do not feel still convinced of the utility of the provisions of this Bill. My first difficulty with regard to this Bill is as to the necessity for it. The House will remember that in 1922 the Government of Lord Reading certified a measure known as the Indian States (Protection against Disaffection) Act, 1922. The first Assembly refused permission to the Home Member for the introduction of that Bill and that Bill, on being passed by the Council of State, was certified by the Governor General and placed before the House of Commons. That Bill got its life in that way. My point in drawing the attention of the House at this late hour to the history of that measure was that the very first Assembly in which a measure, independent of the Indian Penal Code, was sought to be enacted to protect the Indian States against disaffection, in other words against seditious libel, enacted in section 124A of the Indian Penal Code, was not considered good enough to be granted leave for introduction. It was not that the House considered the measure and gave its decision against it, but it summarily refused permission even to look at the measure. Now, one thing in that controversy that was prominently brought out was that the States had enjoyed protection from the attacks of the press from 1910 upto that time when the Press Act was repealed on the inauguration of the new Constitution, and it was felt that something might be done for the princes, but it is a remarkable fact that when the Committee for the repeal of repressive laws toured the country, the princes made out no case and led no evidence and, as they say in legal language, allowed judgment to go by default. A still more important point which will be found in the literature presented to Parliament along with that Bill of 1922 is that it was only on three occasions from 1910 to 1921 that prosecutions were launched against newspaper proprietors for offences committed against the Indian States. True, when this measure was tried to be placed on the Statute-book, an attempt was made to show that the occasions on which action was sought to be taken or in which occasion arose for curbing the liberty of the press were not only those three cases, but a lot more, but there was no satisfactory evidence that the trouble was widespread. But now that is past history, and let us go a little further. Under this Act of 1922, there have been no more than three prosecutions. I put it to the House that in a country in which there are no less than 600 odd princes and princelings, owners of large States in various stages of development and holding mighty powers and some of them wielding very great powers of life and death, if for 600 princes and, during the course of these 10 or 12 years, there have been no more than three prosecutions, I submit this is all to the credit of the Indian press. It is not that the Government are afraid of launching prosecutions or that these Indian States are afraid of seeking redress in our Courts, for they have faith in our Courts in spite of the fact that here and there there may be a case which may have dragged its life for a fairly long time which is one of the things we are used to in Indian litigation, I say that during the past ten years and

[Mr. Jagan Nath Aggarwal.]

over in regard to 600 princes, only three occasions have arisen for launching prosecutions. I say this is a very great testimonial to the good behaviour of the press. Of course there are black sheep in any community and in any profession, and if there are blackmailers or the so-called gutter press owners, such blackmailers and such gutter presses are to be found all over the world. They are not peculiar to India and, even in the Western countries, they masquerade under different names, only our methods here are cruder. But, I say, this by itself is proof of the fact that there was no urgent need for protection against attacks in British India directed towards the princes. I go further and say that the princes have an organised institution for ventilating their grievances and for putting forward demands which they want for the protection of their Princely Order. Well, Sir, we have not been yet told whether there was any insistent demand from the Chamber of Princes. We were told that there was such a demand in 1930, and my Honourable friend, Mr. Dumasia, had been at such great pains to justify this measure.

Mr. B. Das: He has presented the Government case.

Mr. Jagan Nath Aggarwal: My Honourable friend forgets that the Government case is presented not only from the opposite side, but from this side as well. Anyway, the point is that if it was put forward once in a way some three years ago, can we say that there was an insistent demand for a measure of this kind? If the Indian press had fallen foul of the princes, there should have been more insistent and more repeated demand for curbing the press than there has been.

Well, Sir, if I may say so, the real thing is, as the previous speaker said, that an attempt was made to bring this measure in under the shadow of the Federation, that this would be either a bait for the princes to come into the Federation or it would be a thing which would be necessary for keeping up, so to say, the reputation or honour of every unit of the Federation. Sir, I think the princes, who have taken such a long time to make up their minds and who know the pros and cons of the Federation, certainly are too careful people to be deluded into the Federation by the mere prospect of this Bill being passed. Then, Sir, as has been pointed out by my friend, Sir Hari Singh Gour, it would be but a slender kind of protection which would be afforded to princes or to anybody under this Bill. Apart from the fact that the Bill would have, under the ordinary law, nothing more than a life of two years, this measure does not tackle the problem in the real sense. Let me just examine what the position is with regard to us in British India. As a matter of fact, this Bill, if one may say so, creates offences for us. I do not know what it does for the State people. The State people come into the show because we are going to be punished for saying something on their behalf. It is some thing as if the people of England were going to be punished for talking of the Armenian atrocities or the Bulgarian atrocities. It is just like that. This question of the State princes and their organisations has been before the Indian public and the English public too for more than five years. What is the position of the State people? Before the Butler Committee—and I make a particular point of it,—the people of the Indian State wanted to have a hearing and the curt reply of the President of the Committee was that they had no jurisdiction to hear them; that they were t

expound the relations or to look into the relations of the Paramount Power with the princes and not to look into the relation of the princes with their people. And since that inquiry was tabooed, my friend, the Political Secretary, can very well say that the Indian State people are in the happiest frame of mind and they are content with the paternal Government they have. In a way, this question of Paramountcy then has an important interest for us. The net result of that inquiry was that the princes,—I do not know to please whom, themselves or anybody else,—struck a line that their relations will be with the Crown of England, having nothing to do with the Indian Government. Previously they had their relations with the East India Company which had very little of the insignia of royalty, thereafter they had them with the Governor General in Council exercising delegated authority from the Crown of England. But now a new line was struck that they have direct relations with the Crown and they tried to fight shy of the people of this country. I do not know if they would still fight shy of the people of this country. Anyway there it was and the curious phenomenon for us is that in the new Constitution the relations of the princes are sought to be put in the hands of an adviser to the Viceroy and not in the hands of the Cabinet of the Governor General. At present, this paramountcy is a matter which is within the competence of this Legislative Assembly in the sense that the person who advises the Governor General sits in this Assembly, but that is all. We cannot ask questions about the Indian States and our position is going to be worse. So far as the relationship with the princes is concerned, the new Constitution places all relations of the princes with the Crown outside the purview of the Indian Cabinet of the future. Well, Sir, it has been said very often that the Crown guarantees to the princes freedom from aggression from without as well as safety from internal commotion. How is that freedom to be given to the princes? At the cost of the army and the administration in British India for which we have to pay and pay very heavily. If that is so, it is a curious proposition that, for the safety of the princes and for the sake of this paramountcy, we have to maintain an army and to lend them the support of that army. But when we are going to look into this question of the purpose for which that army is going to be used, we are told that we have nothing further to do with it. I prominently bring to the notice of this House that there is a rule which exists among our Standing Orders which says that no question affecting the relations of the Governor General or any Local Government with any prince or chief in British India can be put in this House. And this was exemplified in a manner when certain unfortunate happenings were going on in the State of Nabha and no questions with regard to it were allowed to be put. Now, Sir, my position with regard to this question is that we are debarred from putting questions or discussing the relations of the Indian Government or the Crown with the States.

[At this stage, Mr. President (The Honourable Sir Shanmukhan Chetty) resumed the Chair.]

We are debarred from debating their internal affairs and, what is more important, is that they are going to have a very direct say in our own affairs. They are going to sit and assist in the making or unmaking of our laws. I put it to you, at this time of the day, is it fair or proper for the Government of India to put forward a Bill in which we are going to create an offence for the people of India for doing anything to interfere with the administration of those States?

[Mr. Jagan Nath Aggarwal.]

Now, Sir, with regard to this matter let me make the position of those who sit on this side of the House clear. We are actuated by no sense of hostility to the Indian princes. In fact, if we were actuated by such a feeling, we would not have resented the attempt to create a gulf between Indian India and British India. We feel that they are but parts of our body politic, of one organic whole. If that is so, this debate should be viewed from two points of view. One is the great compliment to the British administration, because we say that, unless they have this kind of administration in their States, we are not prepared to allow an offence to be created which would make any interference with that administration a penal offence. It is, I say, a great compliment to the British administration when we say that the same institutions should be repeated or multiplied in the Indian States. Secondly, I say that those, who are coming into the arena of the Federation, should not be so thin-skinned and they should be prepared to shoulder their public responsibilities, subjected to the due criticism of the press. The position with regard to this matter then is that we are quite prepared to concede that any vilification of the princes is entirely disagreeable to us. We do not in the least lend any support to any campaign which may be launched in British India for overawing by force or show of force or by the leading of *jathas* into the territories of the Indian States, the government or administration of any Indian State. But it is a different proposition to be told that, though the Indian States have a different form of Government, we should have nothing to do and have no say in the matter of how that administration is being run. We have had dictatorships in the present world starting with the dictatorship of Mussolini; the dictatorship of Russia, the dictatorship of President Roosevelt, etc. But the important difference is that there is a rule of law prevailing in those countries. Under the rule of law, if you have a benevolent dictator, it is all to the good, and I wish we could appoint an Indian dictator in any of those Indian States who has adopted the rule of law as the basic foundation of his constitutional structure. Are we asking too much at this time of the day if we were to say that before you afford protection of your laws and before you make it a criminal offence to interfere with those administrations, you should at least insist on this that some constitutional guarantees should be vouchsafed to the people of those Indian States? That is our claim and that is our demand. We are pained at this measure, because we find that those administrations and those forms of Government, which you may be supporting, do not at times deserve the name. You may distinguish between Governments; you may say, here is a Government established by law in which those for whom the Government is run have a certain share in the administration, that the responsibility for running that Government is partly with the princes and partly with the people. But an autocratic rule in which nobody is responsible, in which there is no freedom of person, no liberty of speech, no right of association, in which the right to property even is not guaranteed, how can we be asked to be a party to making a law that any interference or any discussion of that form of Government should become punishable in this country? The worst of this measure is that it makes no distinction whatever between these six hundred princes: it makes no distinction between the owner of a few acres and the owner of a mighty principality, between the progressive prince who may have established a legislative assembly in his

territory and who may be living only on his civil list, and those who may be wielding the most autocratic power.

The real difficulty in this measure is that whereas the previous Bill, which was certified, created an offence to be tried by Courts and a person could be deprived of his life or liberty only after conviction by proper regular Courts, in this measure we are going to have the substitution of executive for judicial action. I submit, this is a very great departure from precedent and runs counter to the tendency of Indian legislation. I am quite conscious of the fact that at extraordinary times during the last twenty years the Indian Legislature did have recourse to certain measures for curbing the liberty of the press, and two such measures are even now on the Statute-book; but may I remind the House that those measures came into existence at abnormal times to meet certain emergencies, and their life was temporary; and who has ever pretended that this question of agitation against the princes has assumed such gigantic proportions that you must look upon it as an emergency and a menace to society. The resort to extraordinary powers is, therefore, wholly unjustified. One must take it that if the Government of India were keen on protecting the princes for all time to come against such attacks, they would have embodied their proposals in the form of a Bill and brought it forward as a substantive measure creating an offence, not merely providing for executive action being taken. In fact, if one were to look at the question from the point of view of the Honourable the Political Secretary, who mentioned yesterday that there are no less than 400 newspapers in the States, one is left to guess what these four hundred journals are. From the best information that I have been able to gather, I find that some progressive States in the south of India—and the south of India may safely be congratulated on it—Cochin, Travancore and Mysore, and Baroda in the north—have between themselves no less than 300 papers or journals. I do not know why such journalism flourishes in the South Indian States—it does not seem to exist in Northern India; and if it did exist in Northern India, we would not have had the trouble of debating this measure; we need not now go into the reason why journalism prospers in the south. But, anyway, I put it like this: if there are 400 journals in these various States, then how have the princes protected themselves against these 400 journals? They must look at their homes first and protect themselves against these journals before they come to us and ask us to legislate

Mr. N. M. Joshi: But they do not allow them to write politics.

Mr. Jagan Nath Aggarwal: Then, of course, it is a different proposition. If the politics of the States are talked of only in British India, then these papers in the States exist more in name and more for discussing theoretical or theological propositions than for discussing current affairs of the day. Then this question of the existence of 400 journals should not mislead us. There are no journals worth the name in the Indian States, and the reason why our journals are being castigated by this executive action is that they are the only journals which discuss the affairs of these Indian States.

One or two provisions of this measure may call for just a passing notice. It has been claimed that the provisions relating to the gathering of armed men, otherwise known as *jathas*, who may indulge in incursions into the territory of Indian States is a matter not acceptable to any system of laws. In fact, such a situation might arise in any country; those who have read

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history and are familiar with the Jameson Raid in South Africa and the trial of those offenders in England would agree that such a measure is all to the good. The need for that thing has arisen as was demonstrated by the promulgation of an Ordinance by His Excellency the Viceroy a couple of years back; and if a state of affairs like that arose, certainly action should be taken; but one looks in vain in these clauses for any safeguards that are necessary in a matter of this kind. In fact it is laid down "if any people are collecting and are, in the opinion of the District Magistrate or the Presidency Magistrate". In that Ordinance we had the judgment of the Governor General and his Cabinet to rely upon before the collecting of these people could be stopped: but now we are giving it to the District Magistrate; and what is worse, the words used are "interference in the affairs of a State", not subverting any State or creating any trouble for the State. If, for example, they were only discussing the alienation of land in that State or only going to have a deputation or demonstration to or before the Political Agent or the Resident or the Cabinet of the Indian prince, they would be immediately proceeded against, and there does not appear to be any provision for having these orders re-heard by any higher authority, which makes the matter still worse. In fact, it was pointed out by the Government Advocate of my Province that there was no provision even for service of the order. You could not penalise a man unless you have served the order on him; there does not appear to be any provision for serving the order on the man whose actions are sought to be restrained. Similarly, it has been pointed out in a number of opinions which have been received that the word "interference" is a word of too large an import and it goes beyond the object which the Honourable the Home Member had in view in introducing the Bill and the purpose for which this Bill is to be enacted.

My Honourable friend, Mr. James, took credit for the proposition that there is an intense feeling of loyalty in the States and that feeling of affection for the ruler is a great asset for all Governments and that we should not lightly meddle with that feeling. That that feeling of loyalty and affection is sacred, I agree, but whether that feeling has not been dissipated by the misrule or the actions of the princes is a different matter. But I can safely say that when Mr. James wanted to protect that feeling, he should also bear in mind that that feeling is one of those sentiments which may disappear in course of time; and, if we can protect that feeling, it can only be protected by making the princes appear as the protectors and the benefactors of their people as they originally were. If, in course of time, the placid contentment of the people of this country has been disturbed by reforms, it is a very big proposition to lay down that the people across the border would remain entirely unmoved by what is happening in this country. It is much too great a proposition to be accepted by anybody,—that we should go on here at break-neck speed, if you like, and you should leave the princes and their people entirely untouched by what is going on in British India. In fact, the very proposition which my friend, the Political Secretary, mentioned the other day disproves this assertion. It was claimed by him, Sir, that under the impact of forces in British India any number of States were putting their house in order and that reforms were going on all round. If that is so, is it not time, I ask, to wait and see the result of such impact, and should we not in this time of transition proceed cautiously, and if you

are to allow them time to develop along the same lines; then creating this an offence for the press would be creating a very anomalous situation indeed. Let me visualise the position, Sir. What is it that the press can be hauled up for saying or doing? A newspaper press, if it discusses, shall we say, the constitution of a Cabinet or the appointment of a minister in an Indian State, that is likely to be construed as interference with the Government, it would be obnoxious. Suppose a measure is brought forward, and it is a measure which is not very much liked by the public; and if it is criticised in the press, then you will say: "Oh, here is a criticism of the measure in a newspaper press and it is unjustified", and the result will be, the security will be forfeited. Let us go further. Let us say, for instance, there is a communal tension or an agitation in the State or any dispute between *jagirdars* and the ryots. Suppose a newspaper in British India takes one side and makes comments. Immediately the Cabinet of the State may not like the side for which the British Indian press takes up cudgels, and there will be trouble for this press. In other words, then the position comes to this, a British Indian press would be simply deprived of the power of discussing any question touching the affairs of any prince or chief, in India. If that is so, it appears to me that it would be a very dangerous proposition indeed. In fact, the Government of India have realised themselves the need for improving the lot of the people of the Indian States, and their warnings to the princes have not been few and far between. I find, Sir, Lord Chelmsford, a short time ago, gave the following advice at Bharatpur. This is at page 216 of this book, called "Indian Princes under British Protection" by Chudgar:

"If the wheels of administration are to run smoothly, the stirring times in which we live, and particularly the events of the past few months, have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interests of the people. In the vast majority of the countries of the world the realisation of this danger has led to the substitution of government by the people for the uncontrolled authority of an individual sovereign."

—Well, Sir, if a newspaper were to write like this, it may immediately be proceeded against on the ground that it is interfering with the Government—

"The rulers of the Indian States, in virtue of their protection by British Government, enjoy an unusual degree of personal control over the welfare of their subjects, and the responsibility that lies upon them is correspondingly great."

—But, I would submit, it would be correspondingly great on the Indian Government also which guarantee both freedom from external aggression and internal commotion—

"In India itself the British Government has decided to grant a substantial measure of power to the people in the administration of their own affairs. Autocratic rule anywhere in future will be an exception and an anomaly."

Well, Sir, if these pregnant words were uttered by the head of the Government of India to the Indian princes in their own homes, I should like to know why it is that the Indian Government have felt themselves compelled to put forward this measure for which there does not appear to be any great demand from the princes themselves?

Sir, there have been a number of demands by princes, all kinds of demands from princes. Have the Government of India ever given way to other demands which the princes have made? I know of one such,

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and I hope, Sir, you will pardon me for referring to it at this late hour of the day. In the proceedings of the meeting of the Chamber of Princes for 1930, at page 128, I find His Highness the Maharaja of Bikaner said as follows:

"British India is more vocal than ourselves. The Provinces have been vociferously clamouring for greater provincial autonomy, more freedom from interference by the Central Government and less restrictions upon their own authority. They ask for a gift of new rights. The States ask for a restoration of their original status what actually belonged to them. If the British Indian Legislatures and Provincial Governments are to be invested with greater autonomy, so as to minimise intervention with their administration from the powers that be, the States have a greater justification for claiming for a restoration of their own internal original autonomy so as sufficiently to safeguard it from encroachments in the near or distant future. Such a happy consummation will bring in its train substantial political and other advantages of the highest mutual importance which are obvious. Moreover—what, comparatively speaking, is of no small consideration—it will conduce to the peace of mind of all concerned and to the increased efficiency of our respective work in the task of administration untrammelled by unnecessary interruptions and worries and anxieties, so far as the relations of the Crown and the States are concerned."

I say, Sir, that if it was not possible for the Government of India to accept that demand, it should be equally impossible for the Government of India to create for us an offence arising out of discussion of the affairs of the States. And, after all, we have removed the only safety valve in the case of the States that existed before. The people had the right by force or by revolution to dethrone a ruler. You are now guaranteeing them security of position. If you are giving them all those things, can you not insist upon an elementary Constitution being given to the people before you give them all these privileges? If the States grant a certain standard of constitutional Government and constitutional rights for their people, I for one would be happy to give them all the protection, but, as things stand at present, I do not see any justification for a measure of this character. The moment you have Federation, you are going to protect all its units. If that is the case, then you better leave the whole thing to the Federation. If you are going to make it a bait for the princes to come in, then I can assure you that no prince would care to accept the bait and come in. At present all I can find is that all these three unnecessary offences are going to be created for us, and power to the executive is going to be given which may be used to the utter ruin of the press and which may place extraordinary powers in the hands of the Executive Government of this country. And be it said to their credit, they are not fond of it. It was a pleasure to find from the opinions received, mostly from Collectors and District Magistrates, that they do not want any of these powers. This power of ruthlessly proceeding against the keeper of a press is a power which even the District Magistrates say they do not want. If that is so, then, I say, we are the only people directly concerned with this matter at the present moment, and it is singularly inopportune to bring forward a measure of this description at this time in the form that it has been brought in.

Several Honourable Members: Sir, the question may now be put.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that the question be now put.

The Assembly divided:

AYES—59.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Chatarji, Mr. J. M.
 Clayton, Mr. H. B.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Dillon, Mr. W.
 Dumasia, Mr. N. M.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Glancy, Mr. B. J.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hezlett, Mr. J.
 Hockenhull, Mr. F. W.
 Hoon, Mr. A.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lieut. Nawab
 Muhammad.
 Irwin, Mr. C. J.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.

Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.
 Mackenzie, Mr. R. T. H.
 Millar, Mr. E. S.
 Mitter, The Honourable Sir
 Brojendra.
 Morgan, Mr. G.
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. C.
 Nihal Singh, Sardar.
 Noyce, The Honourable Sir Frank.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Raghubir Singh, Rai Bahadur
 Kunwar.
 Raisman, Mr. A.
 Rajah. Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Studd, Mr. E.
 Suhrawardy, Sir Abdulla-al-Mamun.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Taylor, Mr. J. B.
 Tottenham, Mr. G. R. F.
 Wajihuddin, Khan Bahadur Haji.
 Yamin Khan, Mr. Muhammad.

NOES—38.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Anklesaria, Mr. N. N.
 Azhar Ali, Mr. Muhammad.
 Ba Maung, U.
 Bhuput Sing, Mr.
 Das, Mr. A.
 Das, Mr. B.
 Dudhoria, Mr. Nabakumar Sing.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Ismail Ali Khan, Kunwar Hajee.
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Krishnamachariar, Raja Bahadur G.
 Lahiri Chaudhury, Mr. D. K.

Laichand Navalrai, Mr.
 Liladhar Chaudhury, Seth.
 Mahapatra, Mr. Sitakanta.
 Mitra, Mr. S. C.
 Neogy, Mr. K. C.
 Pandya, Mr. Vidya Sagar.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Puri, Mr. Goswami M. R.
 Rastogi, Mr. Badri Lal.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Roy, Kumar Gopika Romon.
 Roy, Rai Bahadur Sukhra.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gava Prasad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.

The motion was adopted.

The Honourable Sir Harry Haig: Sir, we have had an interesting and comprehensive discussion on this motion and I think it has helped us to clear our ideas and our attitude towards the general principles that underlie the measure which the Government have placed before the House. In the very fair-minded speech which we heard this morning from the Honourable the Leader of the Independent Party, I was particularly glad to observe the assurance he gave that Honourable Members on the other side were not hostile to the administration of the Indian States, that they were not anxious to weaken them, and that they desired their prosperity and advancement. I think even there is a feeling of some pride in what is known commonly as "Indian India", and I believe that that represents the general attitude of the House in taking up this question. I admit it is not quite the impression that I derived while I listened to the speech of my Honourable friend, Sir Hari Singh Gour. I seemed to detect there a somewhat different under-current of thought: but just as he detected in my initial speech an under-current of thought which was not there, I trust that, perhaps, my suspicions also may not be justified by his speech, and that in fact he did not wish to abolish the Indian States, to sweep away their present form of administration, and to replace them by some copies of a British Indian Province. (Hear, hear.) As I have mentioned, the reference which my Honourable friend, Sir Hari Singh Gour, made to my speech and the under-current that he there detected, I may as well deal with that at once. He suggested that in bringing forward these proposals, we had in mind the necessity of offering some bait to the Indian States in order to induce them to enter into the Federation. No such idea ever crossed my mind. In the reference which I made to the Federation, I had no idea at all of offering any inducement to the States to enter the Federation. I was thinking of conditions when the Federation is in operation: and it seemed to me that no Federation would operate successfully unless the various units were working harmoniously and were not in a state of constant suspicion and hostility amongst themselves.

Well, Sir, I think that I have found during the debate a general recognition that some action is called for. It is a matter of common knowledge that unconstitutional activities have been pursued in British India in recent years against the Indian States, and after listening to what my Honourable friend, the Political Secretary, in an extremely able speech said on Monday, I do not think anyone can doubt that the liberty of the Press has in many cases been abused. If, then, it is true that some action is called for, if it is true that there have been these undesirable activities, then those critics, who desire that nothing should be done, are driven back to the position that we have in fact already the power to suppress them and that we are consequently inviting the House to give us powers which it is quite unnecessary for us to possess. I do not think that that line of argument will really stand any close examination. If a body of men entered into a conspiracy in British India to subvert the administration of an Indian State, what powers have we got to prevent it? I do not think any Honourable Member attempted to point out any powers which we have at the present moment in our Penal Codes. And would it be a reasonable position to assume towards a State to say, if a dangerous conspiracy is entered into in British India,—"we are very sorry, we sympathise with you, but we are powerless, we cannot control our own subjects, we can do nothing for you. We must allow our territory to be used as a base of hostile operations against you."? Is that a reasonable position for British India to take up as against the States?

Then, again, with regard to the organization of *jathas*, it has been suggested that we have already in section 144 of the Criminal Procedure Code all the power that we require in order to prevent the assembling and marching of these bodies of men from British India into the Indian States, and my Honourable friend, Mr. Yamin Khan, developed at considerable length a legal argument somewhat on the same lines. I have, I hope, a proper respect for the legal abilities of my Honourable friend, but he will perhaps not quarrel with me, if I say, I have an equal and perhaps greater respect for the legal abilities of our official legal advisers and of my Honourable colleague, the Law Member, and the fact remains that, when a few years ago, a very difficult and dangerous situation developed in British India and *jathas* were formed and were marching into an Indian State, we were quite definitely advised that our present Indian law was not sufficient to prevent those activities. And this was not only an opinion, a mere paper opinion, but so serious was the situation that the Government of India came to the conclusion that they must have the powers which the existing law did not give them and, in order to get those powers, they asked the Governor General to issue a special Ordinance, which he did. That, Sir, I think, ought to dispose of the point that we have already sufficient powers to deal with the assembling of *jathas*.

And then, finally, about the Press provisions. We are told that the existing Act—the Princes Protection Act, passed in 1922—is sufficient, and that it gives us ample powers if properly used. Well, Sir, if those powers are sufficient, why have they not in practice been effective? No one can have listened to the debate in this House without realizing that in fact those powers have not been effective,—that an undesirable Press propaganda, malicious and dishonest, has been carried on steadily against many States. If the powers were there, why have we not used them? It is not that conditions have improved since 1922. They have got worse. It is not that the States are not interested. They are keenly interested. The fact of the matter is that the procedure is practically useless, and that is why it is not used. And why is the procedure useless? Because, in order to put that Act into operation, it is necessary to give the widest publicity to the charges, very often most scurrilous charges, that are made, to advertise them, and while the case is going on, there is nothing to prevent the newspaper repeating those charges day after day. In the second place, the procedure is terribly slow. If a defendant is anxious to use all the resources of the law for delaying a case, it is unfortunately very often possible for him to protract it to a most unreasonable length, and my Honourable friend, the Political Secretary, told us on Monday that the last case which had been instituted under this Princes Protection Act had occupied, from start to finish, I think, something like four years. Well, Sir, that is not an encouraging prospect for any prince who wants to protect his honour or the credit of his administration. In the third place when all this elaborate and dilatory procedure has been gone through, there is no assurance that the person really responsible will be punished, for it is always possible for the man who is really organising and inspiring these attacks to put up before the public and before the Court a dummy editor who will bear such punishment as may, after four years, be inflicted. Can we be surprised under these conditions that the number of cases under this Act has been so small? You have heavy expenditure, intolerable delay, the widest publicity to the charges and inadequate punishment at the end. So long as that is the only remedy available to the States, is it surprising that some of them take the line of least resistance and submit themselves to the degrading process of blackmail? We are told,

[Sir Harry Haig.]

Sir, that the measure we propose will be a wanton interference with that vigilant watch-dog of the interests of the State subjects, the British Indian Press. Now, Sir, is the British Indian Press, in fact that vigilant watch-dog of those interests? Is it really the fact, as is claimed, that the only means by which grievances in the States are brought to light and remedied is through their publication in the British Indian Press? I think that claim is very much overstated. The reputable Press and their readers are not primarily interested in the internal affairs of the States. They have, as certain Honourable Members have pointed out, their own interests, and absorbing interests, in British India. On the other hand, the disreputable members of the British Indian Press, as we have heard, can always be silenced at a price. Too often the interest that is taken is either personal or communal, and it is not based on a real regard for the welfare of the State subjects. But I quite admit the justice of the argument when we are asked whether it is not right that abuses which take place in the States should be ventilated? I do not deny it for a moment. We have no objection to honest ventilation of abuses with a view to obtaining their alteration by lawful means. I think there has been a certain amount of misconception as to the object we are aiming at in regard to these Press provisions. We do not want to let down a *purdah* in front of the States or to shut out all the influences of public opinion. We do not want, as I said before, to stereotype misgovernment or to stop the natural processes of change and evolution. We claim that, in fact, our Bill does not prevent a reasonable statement of public opinion which is, in effect, not an unhealthy symptom.

I listened with some interest, to my Honourable friend, Mr. Jagan Nath Aggarwal. He drew a most terrifying picture of the
 5 P. M. state in which the British Indian Press would find itself if these provisions were passed, and so heated was his imagination that, unless I do him an injustice, he was quoting not the words of the clause that relates to the Press, but the words of the clauses relating to the 'Assembly of *jathas*. He suggested that we were going to prevent the Press from publishing anything that might interfere with the administration of the State. Those words do not occur at all in the Bill. What we are trying to stop is anything that will bring the administration of a State into hatred or contempt and will cause disaffection. Those are the words, in fact, that are very familiar to my Honourable friend in section 124A of the Indian Penal Code, and I would like to ask him whether, in fact, the British Indian Press are entirely precluded from uttering any criticisms of the British Indian administration. If my Honourable friend is of opinion that this country lies bound and gagged, unable to utter a word in deprecation of any act of the Government, I do not think he can be such an extensive student of the Indian Press as I am. Personally, I find that it is very seldom that any measure of Government is not criticised widely, elaborately and sometimes very heatedly. But, we do not hold that that criticism brings the Press within the provisions of the law, and I do not think that my Honourable friend need be so nervous that any different policy could be pursued in regard to criticisms about the administration of Indian States. I would also remind him, though I have no doubt he is well aware of the fact, that in the Indian Press Act which our proposals seek to amend, there are two definite explanations which are intended to safeguard reasonable and legitimate comment.

One other point perhaps I might mention because there seems to be some misunderstanding. It has been suggested that when an order demanding security or forfeiting security has been passed, there will be no kind of appeal to any Court. Well, Sir, we are merely amending the existing Indian Press Act, and that Act, as Honourable Members are aware, contains a provision for an appeal to the High Court against an order of forfeiture. Therefore, there will be exactly the same appeal in the case of forfeiture ordered on account of an attack on an Indian State. Our position has been throughout that we do not wish to penalise constitutional activities. A complaint has been made that Government and their critics have different ideas as to what constitutes constitutional activity. In some cases that may be so. We have heard from my Honourable friend, Raja Bahadur Krishnamachariar, that some of the opponents of the Bill claim openly the right of rebellion against the States.

Raja Bahadur G. Krishnamachariar: I did not say that, but it is the States people who say it.

The Honourable Sir Harry Haig: Yes. The States people. Well, Sir, that is not the kind of activity that we propose to allow or that we should describe by the term constitutional. An Honourable Member, speaking on Monday last, if I understood him aright, suggested that if a Government had been established by force and fraud, it would be legitimate that it should be overthrown by the same methods. That, again, we should certainly not regard as a constitutional activity. But if these extreme methods are not to be resorted to, how are abuses to be remedied? The argument has been put forward very prominently that the Governments of the States are protected by the Paramount Power against revolt by the people and that, therefore, the Paramount Power has a special responsibility to see that a reasonable standard of good government is maintained in the Indian States. That is a point that has been made in many of these telegrams which Honourable Members have been receiving during the course of this debate and I see that one says "Remind the Paramount Power of the obligations towards the States people to ensure good government". My answer to that would be a reference to what my Honourable friend, the Political Secretary, said on Monday. He made it clear to the House that that responsibility of the Paramount Power was fully recognised, and that when occasion arose, it was exercised; and, to my own knowledge, that is so. But let us not toy with ideas of rebellion and revolution, whether in British India or in the States.

My Honourable friend, Mr. James, in a very interesting speech made a suggestion that if we protect the administrations of the Indian States on the lines proposed in this Bill, we should also expect a reasonable degree of reciprocity from them. I think it is fair to say that we already receive in a very full degree the reciprocity required. (Hear, hear.) My Honourable friend, the Raja Bahadur, gave from his own personal experience an example to the House the other day how when the British Indian Government required the assistance of the great State of Hyderabad, it was given instantly and ungrudgingly, and I think that that is typical of the attitude of the Indian States. With regard to the particular point which Mr. James brought to notice, namely, control over arms which might get into the hands of terrorists, we did in fact, take up this matter as long ago as July 1932, for it is a point of very great importance and we have been in correspondence with the States with a view to ensuring that, as far as possible, a close watch is kept over revolvers and pistols which are the weapons that are really dangerous in this connection. We do not believe

[Sir Harry Haig.]

that smuggling of arms in Indian States is carried on on an organised scale, but it is possible that a certain amount of sporadic smuggling does take place, and we are at present in communication with the Indian States to see whether anything could be done further to tighten up their administration and prevent these unauthorised weapons falling into the hands of terrorists.

In conclusion, Sir, I would claim that this debate has shown that there is a very strong case for a measure on the lines proposed by the Government. This Bill has not been put forward without full consideration of the facts and a conviction that, with the existing powers, we are unable to deal satisfactorily with the situation. I hope that the House will confirm our judgment and agree to this motion for a Select Committee where the detailed criticisms on some of the provisions of the Bill can be more closely examined. I am sure that the House will not agree to the continuance of conditions that are in the interests, neither of the Indian States, nor of British India, nor of the future development of India as a whole. (Applause.)

Sir Abdur Rahim: May I ask the Honourable Member one question whether he will be satisfied if provisions regarding the prevention of conspiracies for subverting the Indian States administration and also to prevent organisation of *jathas* remain in the Bill and the rest of the provisions are deleted? Will he be satisfied with that?

The Honourable Sir Harry Haig: No, Sir. The provisions relating to the Press are an essential part of the Bill.

Mr. K. P. Thampan (West Coast and Nilgris: Non-Muhammadan Rural). Sir, I wish to move by way of an amendment to the motion before the House, that for the name of Sardar Sant Singh in the personnel of the Select Committee, the name of Mr. Jagan Nath Aggarwal be substituted.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I wish to withdraw my name from the Select Committee and, in my place, I suggest the name of Rao Bahadur B. L. Patil.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Before the motion for reference to the Select Committee is put, I wish to know whether the Select Committee is not the proper place where questions can be raised for weeding out the chaff and selecting the grain, and *vice versa*.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

‘That the names of Sardar Sant Singh and Mr. B. Sitaramaraju be deleted from the list of names of members to the Select Committee and the names of Rao Bahadur B. L. Patil and Mr. Jagan Nath Aggarwal be substituted.’

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

‘That the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations, be referred to a Select Committee, consisting of Sir Abdur Rahim, Rao Bahadur B. L. Patil, Sardar Sohan Singh, Mr. K. C. Neogy, Mr. Jagan Nath Aggarwal, Sardar G. N. Mujumdar, Mr. N. N. Anklesaria, Mr. C. S. Ranga Iyer, Mr. F. E. James, Captain Sher Muhammad Khan Gakhar, Mr. N. M. Dumasia, Rai Bahadur S. C. Mukherjee, Mr. B. J. Glancy

and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The Assembly divided:

AYES—68.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Brij Kishore, Rai Bahadur Lala.
 Chatarji, Mr. J. M.
 Clayton, Mr. H. B.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Dillon, Mr. W.
 Dudhoria, Mr. Nabakumar Sing.
 Dumasia, Mr. N. M.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Glancy, Mr. B. J.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hezlett, Mr. J.
 Hockenhull, Mr. F. W.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lieut. Nawab
 Muhammad.
 Irwin, Mr. C. J.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Krishnamachariar, Raja Bahadur G.

Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.
 Mackenzie, Mr. R. T. H.
 Millar, Mr. E. S.
 Mitter, The Honourable Sir Brojendra.
 Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr.
 Muhammad.
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. O.
 Nihal Singh, Sardar.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Puri, Mr. Goswami M. R.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Raghubir Singh, Rai Bahadur
 Kunwar.
 Raisman, Mr. A.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rastogi, Mr. Badri Lal.
 Rau, Mr. P. B.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Studd, Mr. E.
 Suhrawardy, Sir Abdulla-al-Mámūn
 Talib Mehdi Khan, Nawab Major
 Malik.
 Taylor, Mr. J. B.
 Tottenham, Mr. G. R. F.
 Wajihuddin, Khan Bahadur Haji.
 Yamin Khan, Mr. Muhammad.

NOES—30.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bhuput Sing, Mr.
 Das, Mr. A.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Hoon, Mr. A.
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.

Liladhar Chaudhury, Seth.
 Mahapatra, Mr. Sitakanta.
 Mitra, Mr. S. C.
 Neogy, Mr. K. O.
 Pandya, Mr. Vidya Sagar.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Roy, Kumar Gopika Romon.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 8th February, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 8th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): May I request the Honourable the President that Bills which have been pending for years for introduction may be taken up first?

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

MEMBERS SWORN.

Mr. Gordon Sidney Hardy, C.I.E., M.L.A. (Government of India: Nominated Official); and

Mr. Chandulal Madhavlal Trivedi, O.B.E., M.L.A. (Government of India: Nominated Official).

MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

Mr. President (The Honourable Sir Shanmukham Chetty): I have received a Communication from His Excellency the Viceroy and Governor General:

(The Message was received by the Assembly standing.)

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the Honourable Sir Joseph Bhore to perform the functions assigned to the Finance Member under rule 46 of the said rules on the occasion of the general discussion appointed for Monday, the 19th February, 1934, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

WILLINGDON,

Viceroy and Governor General."

THE INDIAN "KHADDAR" (NAME PROTECTION) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I beg to move:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

[Mr. Gaya Prasad Singh.]

This is a very innocuous little measure, and I hope there will be no dissentient voice raised against it. The Bill in fact represents an agreement between the Government and the Non-Official Members over it. The Bill was introduced by me on the 18th February, 1932; it was circulated for opinion on the 1st March, 1933; it was referred to Select Committee on the 5th September, 1933, and the report of the Select Committee was presented on the 29th November, 1933.

My Bill is designed to protect the names "Khaddar" and "Khadi" as trade descriptions for handwoven and handspun cloth, as distinguished from cloth manufactured in mills, whether in India or abroad. In recent years, there has been a tendency to manufacture cloth in mills and to designate such cloth as "Khaddar" or "Khadi". This has been a source of constant confusion to the buyers and such spurious "Khaddar" woven in mills has been palmed off on unsuspecting customers as genuine stuff. I wanted, therefore, by this Bill to make that an offence under the Merchandise Marks Act. Opinions have been received, and most of the opinions, specially non-official opinions, are in favour of my Bill. The Government of Madras and the Government of the Central Provinces have supported my Bill. The Government of the Punjab are indifferent, while other Local Governments, obviously out of political considerations—as the word "Khaddar" is associated with the political movement inaugurated by the Indian National Congress—have opposed my Bill. I do not think any element of politics should enter into the consideration of this purely economic measure. I regret that my Honourable friend, Mr. Mody, is absent in the House today. On the last occasion he stated that "Khaddar" and "Khadi" had been manufactured by the Bombay Millowners' Association for a long number of years, and that he was opposed to the words "Khaddar" and "Khadi" as trade descriptions for cloth spun and woven exclusively by hand in India. In this connection I should like to refer the House to the Report of the Millowners' Association, Bombay, for the year 1932. From a perusal of the table No. 15 at page 482 of this Report, it will appear that "Khadi", "Doongree" or "Khaddar" has been manufactured only since the year 1924-25: all the columns for the years preceding 1924-25 are blank. Therefore, the contention of my friend, Mr. Mody, that "Khaddar" and "Khadi" had been turned out by their mills for a long number of years seems to be unfounded. However, I am not going to enter into that controversy on the present occasion.

There is one point to which I have some objection in the Bill, as it has been reported by the Select Committee. The Select Committee has excluded silk or woollen materials from the trade description of "Khaddar" or "Khadi". The name "Khaddar" or "Khadi" has been defined according to the local usage to mean any sort of cloth spun and woven by hand in India, whether that stuff is cotton, or silk or woollen. But the Select Committee has confined the name only to cotton cloth. This, I submit, is an unduly restrictive definition.

Another provision which has been introduced by the Select Committee is that the provisions of this Bill would be enforced at the discretion of the Local Governments concerned, in their respective areas. This, Sir, is a provision which detracts very greatly from the utility of the Bill, but I must take such little mercies from the Government as they are willing to give to us. Constituted as the House is, I could not press for all that I wanted to press in the Select Committee, and, therefore, I have agreed, though reluctantly, to this provision. In this connection I received a letter

from Mr. C. Rajagopalachari in which it is stated that Mr. C. Rajagopalachari "was much pained to see the attitude of Mr. Mody and of the Bombay Millowners' Association in regard to this Bill". In another communication, Mr. Rajagopalachari says:

"The Bill should not be left to the sweet will and pleasure of the local executive authority to apply or not to apply the law. Such power will lead to a great difference in law between province and province in a matter of commerce. It would complicate the situation and render the law practically of no effect, and encourage fraud. Commercial laws should be universal and of uniform application. Indeed the trend is towards internationalisation. The idea of an all-India trade like of the revived hand-spinning industry being governed by a law that has effect in one province and not in another is absurd. The opposition is only in the interest of mills, and millowners. There is no question of law and order or Local Government's prestige involved. The power ought to have been given to the Local Legislative Councils at least".

But, Sir, as I stated, I have to take things as they are. I believe, Sir, with the introduction of provincial autonomy, if not earlier, this Bill will be utilised by the Local Governments concerned, when more and more power devolves into the hands of Indian Ministers. Suffice it for me in this connection to read out a short paragraph from the Report of the Select Committee. It is stated here:

"The majority of the Committee express the earnest hope that these Local Governments which have expressed no disapproval of the Bill, will take early steps to apply the Act when passed to the areas under their jurisdiction, and that other Local Governments will avail themselves of its provisions should any necessity for its extension become apparent".

I am of opinion that this Bill, as it has emerged from the Select Committee, is a non-contentious measure and that it should be passed. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I heartily support the motion moved by my friend, Mr. Gaya Prasad Singh. It is a very good measure and I am very glad to see that the Select Committee have done their work very well and the Bill has now emerged from it in an unobjectionable form. It will be of considerable use to the country. Mr. Mody, the President of the Millowners' Association, is absent today, but I think the gist of his last speech was that, although "Khaddar" was manufactured by the Bombay mills for some years past, still he had no objection to this legislation being passed, because the Millowners' Association were standing on their own legs, and that they did not wish to foist their articles under false names. Therefore, Sir, I do not think that the criticism of my friend Mr. Gaya Prasad Singh was quite justified in regard to my friend, Mr. Mody. In this Bill, Sir, "Khaddar" is confined only to cloth woven from handspun yarn, from cotton; silk and woollen articles are not included in it. I do not think I need take any objection to this. Generally, in popular parlance, "Khadi" is a word which is used for cotton articles, and, therefore, no great harm has been done in denying the use of the word "Khaddar" to silk and woollen goods. I am quite sure that the pressure of local opinion will be such that all the Local Governments will make this Act applicable to their provinces and that they will not wait till provincial autonomy comes to the provinces. I, therefore, support this measure.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I congratulate my friend from Muzaffarpur for having succeeded in persuading the Select Committee to adopt a Bill which will soon be placed on the Statute-book. Whether it will be of any material use to the "Khadi" producing world or to the "Khadi" consuming public, I have my own doubts. Sir, I very much miss the representative of the Bombay Millowners' Association, Mr. Mody. If newspaper report be correct, he is going now to explore fresh fields and pastures new. It is reported that Mr. Mody, after having sold India in the interest of the Bombay City to certain gentlemen from Lancashire, is now intending to join the Tatas and look after. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member should wait for that criticism till Mr. Mody comes back. He will get plenty of opportunities.

Mr. B. Das: The millowners are wellknown poachers. When we gave cotton textile protection in 1929, they were forbidden not to encroach upon the special preserves of the handloom industry. They did that so well that the handloom industry today cannot produce *sarries*, and the millowners all over India make a special feature of fine *sarries* which they were specially prohibited from manufacturing. . . .

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): By whom?

Mr. B. Das: By the House, by the Government, by the Tariff Bill, and by the Report of the Tariff Board of 1929.

Then, the millowners, through their representatives, announced that my friend, Mr. Gaya Prasad Singh, was encroaching upon them. My friend, Mr. Mody, himself being one of the greatest. . . .

Mr. B. V. Jadhav: Let him be present.

Mr. B. Das: My speech is going to be read by every millowner.

An Honourable Member: No, no, they will not read it

Mr. B. Das: Today, I charge them as poachers, as my friend, Mr. Gaya Prasad Singh, has pointed out, because these millowners never manufactured "Khadi" until the year 1924,—I did say that on the last occasion when I spoke before this Bill was referred to the Select Committee. They want to appropriate the hallmark "Khadi" and they want to sell spurious "Khadi" manufactured in their mills. This kind of villainy and treachery I do not know for how long they will go on perpetuating, but the day will come when the judgment of God will be on these millowners.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, I should not have spoken on this Bill, having spoken on a previous occasion giving my support to it. But, after hearing the gentleman for Utkal, I thought I must raise my voice in strong protest for it is becoming a practice in this House to stab one behind one's back. His references to Mr. Mody were not only unjust, but also ungenerous, for, if he reads Mr. Mody's speech over again, he will find that Mr. Mody offered no serious opposition to "Khaddar" and "Khadi" though he spoke of the handicaps so far as the mills were concerned. . . .

Mr. B. Das: Did my Honourable friend hear Mr. Mody when he made that speech?

Mr. C. S. Ranga Iyer: I generally listen to speeches when they are interesting without interruption. (Laughter.) When the Honourable gentleman for Utkal just spoke of handloom industry, I thought he was going deep into what I may call abyssmal ignorance of the subject on which he just spoke, because handloom industry need not necessarily be producing "Khaddar" or "Khadi," and as you know, Sir, in the Coimbatore district and as I know in Malabar, the handloom industry produces more non-khadi articles, cloths, *veshtis* and *mundus*, and so on, than "Khadi" articles. Therefore, it is useless for Mr. B. Das to talk of handloom industry. Let us speak on the subject and on its merits. As I said the other day, this Bill was the Bill of the late Pandit Motilal Nehru. It is a pity that Pandit Motilal Nehru is not in this House or outside this House to see that his loyal friend and disciple, Mr. Gaya Prasad Singh, has done his best to place this Bill on the Statute-book. It is good that he has read out to this House part of a letter from Mr. C. Rajagopalachariar who is also a practical devotee of "Khaddar" and "Khadi". Lastly, we have to express our gratitude to the Honourable the Commerce Member for having given some support to "Khadi". I do not want to take the ungenerous attitude of the previous speaker and say that no support to the industry of a real kind is forthcoming by passing this Bill. I look at the spirit that animates this House and that is sufficient for the purpose of those who desire the encouragement of that very good cottage industry.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural): I feel fortunate to support this Bill. I say that the object of this Bill is only to prevent false description of "Khaddar" and "Khadi", being advertised and displayed and it is the duty of every one to see that no deception goes on in the market. I cannot say that the object of the Mover of this Bill is that "Khadi" should be given an impetus by its description being legally laid down, but that is also not a bad object. What happens in the market is this. When we go for "Khaddar" or "Khadi", the sellers give us without any fear articles saying that they are "Khadi", and when we say we want "Shudh Khaddar", they do not have any hesitation in further asserting that those articles are "Shudh Khaddar". But if we subsequently find that they are not so, what is the remedy? If there is no remedy for that, then there is nothing extraordinary in asking for a legislation providing a remedy. What we want is that there should be no deception of any kind. Opinions have been collected and I will only refer to one or two from Bombay. I am reading from page 21 of the Bombay opinions. The Bombay Government say

'The majority of the commercial associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners' Association are not in favour of it'

If you go through the opinions, you will find that almost every association has supported it except the Millowners' Association at Bombay. It is quite natural that they should oppose. In my humble opinion, I think that they are more guilty than others. It is they who will be affected by this Bill and it is in their interest to see that this deception goes on. Therefore, no attention should be paid to what the Millowners' Association

[Mr. Lalchand Navalrai.]

say when the other associations agree with the Bill and say that it should be passed. The Bombay Government further say:

"In this connection, I am to say that it is not in accordance with the trade custom in this Presidency to confine the word "Khaddar" to cotton piece-goods woven by hand from handspun yarn."

That is the very reason why we want this Bill. They say that there is no custom that, when a man goes and asks for "Khaddar", he should be given one which is handspun and handwoven. That is the trick of the trade that has been going on, and what we want is a provision against such fraud. That there is no trade custom cannot stand in our way; on the contrary, it is incumbent on us to see that a proper definition is laid down. When there is any article, which is not of a particular description, and if it is sold in the market under a false description, the man is guilty under the Merchandise Marks Act and also for cheating under the Indian Penal Code. But there is no such provision here with regard to "Khaddar" and "Khadi". The Bombay Government then say:

"Further, it is anticipated that great difficulties would be encountered in enforcing its provisions if it were to become law."

I cannot for one moment understand what difficulty there will be in enforcing this law. On the contrary, it will make the people more honest, there will be more honest dealings in the market with regard to "Khaddar" and "Khadi". The Bombay Millowners' Association will, by and by, become more honest, because if they will become more and more dishonest, there will be more and more attacks by us on them. The time has come when they should learn to respect the opinion of the public. I will not take any more time on this, because it is a plain question. What we are asking for is that the deception should in some way be stopped.

I will now refer to the opinion of the Karachi Chamber of Commerce.

The Bombay Government say:

"The Chamber has no objection to the provisions of the Bill."

The Karachi Buyers and Shippers' Association says:

"My Committee fully endorses the reasons ascribed by the Honourable the Mover of the Bill in his Statement of Objects and Reasons, and in their opinion the trade custom does confine the term "Khaddar" and Khadi" to cloth spun and woven by hand in India."

Here is a contradiction to what the Government of Bombay have said. This Karachi opinion is that in custom also "Khaddar" and "Khadi" are known to be handspun and handwoven. Further, on they say:

"They are further of opinion that there should arise no question as regards the administrative difficulties pointed out in this connection."

They belong to the trade and when they say that, there will be no difficulty in administering this Bill, there is no reason why we should not pass it. Then they say that these difficulties are not unsurmountable and that the like of this is to be met with practically in case of any and every piece of legislation. That is absolutely true. With these words, I support the motion.

Mr. Gaya Prasad Singh: Sir, as there is no opposition to my Bill, I have no reply to make, except that I have to thank the Government, especially my Honourable friend, Sir Joseph Bhore, for having so kindly allowed this Bill to be passed unanimously by this House.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Gaya Prasad Singh: Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

Mr. A. Das: Sir, before you proceed to the next item, may I request you to allow those Members who have Bills to introduce and whose motions are last in the agenda to move those motions? That was done in a previous Session?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair knows that it was done on one particular occasion as a special case, but unless the House amends the Standing Orders, the Chair does not think there is any justification for adopting that as the normal practice. The House must go through the agenda in the form it has been put down on the Order Paper.

THE GIRLS PROTECTION BILL.

Rai Bahadur Kunwar Raghubir Singh (Agra Division: Non-Muhammadan Rural): Sir, I move:

"That the Bill to protect minor girls be taken into consideration."

In moving this I wish to point out that my Bill is very necessary in the interests of humanity. The evil which I want to prevent with the help of this Bill is widely prevalent in several provinces, especially in the United Provinces of Agra and Oudh, Bihar, the Punjab, parts of Bombay and in several other provinces which I may not be aware of. My second point is that it is non-controversial. All Sabhas and Societies are in favour of this measure and the caste societies or All-India Mahamandals, whether they are Sanatanist or Arya Samajist, Brahmo, Sikh, Jaina or Jewish, are all in favour of my Bill. According to the Hindus, the marriage of a girl is considered to be *kanyadan*. *Dan* means charity. If money is taken, it is no *dan*, but the reverse. The Sanskrit Smritis also support my proposition. There are three kinds of Smritis—

[Rai Bahadur Kunwar Raghubir Singh.]
the Manu Smriti, the Parasara Smriti and the Yajnavalkya Smriti. There is a Sanskrit *shloka* on this :

“*Kriya kritacha ya kanya patni sa na widheeyate.
Tasya jata sutastesham pitra pindam na vidyate.*”

which means, first that the *pinda* given by the progeny of such a union will not be acceptable. The second is that one who takes even a small sum in lieu of a girl goes out to the hell of urine. The third is that the sellers of daughters live in hell for so many years as the number of hairs of a bride. The fourth is that even learned fathers, who sell their daughters, are considered to be fools along with their sons. The fifth is that the brothers of a bride, who sell her or utilise her articles, go to hell. The sixth is that even a Shudra (Harijan), who takes even a small sum on his daughter, goes to hell. These are the quotations from the Smritis which I have just made. This is the third *adhyaya*. The ninth *adhyaya* also supports my view. The evil practice which now prevails is very harmful to the nation as a whole. Because of the practice of selling girls, old people are married to young and even minor girls in exchange of money. A friend of mine coming from Agra saw at the Agra Fort Railway Station a bridegroom of 60 who had married a girl of 13, and when the old man with the young bride was asked as to why he had done such a bad act, he said that he had not been given the girl for nothing, but had to pay Rs. 5,000 to marry that girl of 13. Then, a man in my village had to pay Rs. 1,200 for a girl of 13. These girls are treated as commodities. The more beautiful the girl, the higher the price and the more advanced in age the bridegroom, the higher the price. So, in this way, the future happiness of the couple is marred. The result is that the progeny is weak and the children born of mothers who are mere girls are bound to be weak and unfit to live. There are innumerable cases of traffic in girls in the Punjab from the United Provinces, and immorality also increases in this way which is highly reprehensible. Another evil which accrues from such dealings is that the number of widows increases which is also a national waste. It is noticeable that there is nobody against the proposed measure except perhaps those who sell their daughters. As an illustration, I will give the example of a goldsmith who was living in a village close to mine. He sold his daughter four times, and she ran away every time. (Laughter.) So home happiness demands that such a sort of evil should at once be put a stop to with a firm hand in the interests of the girls themselves.

Then, Sir, these girls, who know nothing about their future welfare and happiness, are tied down to undesirable persons on account of money, like dumb-driven cattle, or even worse. Every member from my province and the Punjab will bear me out that the evil is very widely prevalent. Sir, the National Council of Women of Bombay have supported my Bill. Now, I have seen the section of the Indian Penal Code which deals with offences in connection with marriages; but there is no such section which may put a stop to this evil of daughter-selling which I want to prevent by my Bill which is very necessary in the interests of the good health of the nation and happy homes. Inequality in ages mars happiness in marital relations. Everybody knows that only those people will pay money whose ages are advanced and who cannot get brides of proper ages in their own caste. Government must also be interested in the good health of the nation as they may require recruits to carry out their Imperial campaigns and other obligations. They required men during

the Great War, and if the health of the nation had been better, they would have got more recruits than they did. I wish also to make it clear that there is no motive in bringing forward this Bill except the good of the girls who will be the future mothers of India, and it was at the persistent, insistent and constant demands of my constituents that I brought forward this Bill. Everybody who has any regard for the betterment of society is in favour of such legislation, excepting the microscopic minority of the evil-doers themselves. It is also a sin and a shame that even very minor girls, who cannot understand their future, are married to very much older people, much older than a proper and suitable match would demand. Sir, in the *Mahabharata* it is said that it is a sin to marry a girl below twelve. But people do not pay any heed to this. Similarly, the *Parasara Smriti* says that a bridegroom of thirty can marry a girl of over twelve; and *Rajyamartanda* also points out that a bridegroom of thirty can marry a girl of sixteen years. But, Sir, no heed is paid to these writings of our *Smritis* and *Puranas* when these people sell their daughters, and no heed is paid to the equality of marriages as demanded by these *Shastras*.

In view of this, Sir, I would solicit the support of this august Assembly in the name of those unhappy girls who are tied down to undesirable persons in exchange of money, and it is very necessary that it should be passed. But if there is an overwhelming majority in the House who think that it should be sent out for circulation, I will have no objection, because I want this evil of daughter-selling to be put a stop to,—and in fact I think it is more necessary than even the Ordinance Bills or the State Protection Bill which we sent to Select Committee yesterday. Sir, as a piece of social legislation it is essential that it should be passed for the good of the nation and the happiness of homes, which is so much to be desired for the good of the country. With these few words, I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

‘That the Bill to protect minor girls be taken into consideration’

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated: Non-Official): Sir, I move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934.”

I may explain at the outset that I do not belong to that section of this House, which is always opposed to social legislation, nor do I owe allegiance to that group of Honourable Members, who claim to be the defenders of Hindu religion, and who, in their anxiety to defend Hindu religion, or on the pretext of being the remnant fossils of those sections of the Hindu orthodoxy which escaped the demolition caused by the founder of the Arya Samaj in the north, and other eminent Hindu social reformers in Bengal and elsewhere, always oppose such legislation. So when I move for circulation, it is in no way to be understood, that I am opposed to this sort of legislation, or that I bring forward this motion simply for the purpose of causing delay. As a matter of fact, I belong to a community which is very unorthodox, liberal and devoid of all false prejudices in the name of religion. Most of the reforms, for which the so-called educated and forward communities have been struggling for a

[Hony. Captain Rao Bahadur Chaudhri Lal Chand.]

number of years, have been in existence among the Jats from time immemorial. So, no motives could be attributed to me when I appear to put a break on the wheels of this Bill.

Sir, I congratulate the Honourable the Mover on the courage he has taken in moving this Bill, as he belongs to that section of Hindus who would not tolerate the idea of legislating for reforms in the Hindu religion. But I cannot equally congratulate him on the merits of the Bill. The name he has given to the Bill is all right, and high-sounding, but I am afraid it contains so little inside, that I doubt if the contents of the Bill justify the name that has been given to it. The Bill is called "A Bill to protect minor girls", but the protection that is found inside the Bill is so little, that I suspect the complicity of the author of the Bill with the culprits. The anxiety of the Honourable the Author of this Bill to make the name as liberal as possible is apparent from the very first clause, where he has deleted the word "minor" also, and has made it look wider still, by calling it "the Girls Protection Bill". How far this could be justified is apparent from the very mild punishment and very limited scope of the Bill. Sir, if we follow these lines, one day we will find our friend, Professor Sen, or the Honourable the Leader of the Centre Party, Raja Bahadur Krishnamachariar, or Khan Bahadur Wajihuddin, who, for one reason or other, have always opposed the famous Sarda Act, bringing forward Bills known as Child Marriage Restraint (Amendment) Bills. Professor Sen may penalise such marriages if performed during the day time; Raja Bahadur may penalise them unless certain ceremonies are performed, and our friend, Khan Bahadur Wajihuddin, may punish such culprits if the marriage is not performed in the presence of two M. L. A.'s. All these will certainly impose limitations and could be called restraints on child marriages, but how far they will justify the title does not need any arguments from me.

So, in the first place, I do not agree with the halting nature of the proposals contained in this small Bill, and would ask this Honourable House to agree to its circulation, so as to get the opinion, not only of public bodies, but of the High Courts as well. Secondly, let me draw attention to the disparity between the Statement of Objects and Reasons of this Bill, and the provisions contained in the different clauses of the same. The statement reads thus:

"The evil of daughter selling has assumed dangerous proportions in Indian society and has considerably increased the number of widows in the Hindu society. This Bill provides for the protection of minor girls (a) against inequality of ages of bride and bridegroom and (b) against their treatment as commodities as opposed to human beings."

Now, I have carefully gone through the clauses and have read them several times to find if there is anything there, as contemplated in the part of the statement read out by me. The inequality of ages of brides and bridegrooms has not been touched at all in the clauses. Then, again, I find that in the Statement of Objects and Reasons the evil is depicted as being prevalent among Hindus, while, in the Bill, there is no such limitation and it applies to all. From this it is clear that the two do not tally. Now, the only reason I can assign to these disparities is that it seems that my Honourable friend drafted the Bill with the present Statement of Objects and Reasons, but was later persuaded by some of his orthodox friends to modify the clauses, to soften them and to generalise

them by deleting certain clauses and he did not effect the necessary change in the Statement of Objects and Reasons. So, the Bill falls far short of the purpose he had in view, and cannot, therefore, be hurried through.

Then, again, my Honourable friend has not shown if any case has failed for want of proper law on the subject. Part of my Honourable friend's case is governed by section 372 of the Indian Penal Code inasmuch as selling contemplated in clause 3 of the Bill may be for marriage as also for purposes mentioned in section 372. But my Honourable friend's anxiety to bring about a so-called reform has prompted him to bring down the age-limit from 18 years as given in section 372 of the Indian Penal Code to 14 years as given in clause 3 of the present Bill. In the matter of punishment, he has shown a tendency towards leniency, rather than to strictness inasmuch as section 372 of the Indian Penal Code provides for 10 years rigorous imprisonment with fine, while clause 3 of the present Bill does not make imprisonment compulsory at all, and is content with a fine only, while the sentence of imprisonment may not exceed two months only. If, however, my friend wants his Bill not to cover cases contemplated in section 372, I. P. C., and wants to confine this Bill to cases of real marriage, he should have said so and this will mean the re-drafting of the whole thing.

There are many other things to be considered. For instance, does my Honourable friend allow sale of girls who are above the age of 14 and below 18? Then, again, the Bill only punishes the guardian and thus makes the seller alone liable. What about the rich purchaser who has tempted the poor parent? Is he to go scot-free? Then, again, by making it cognizable, does not my friend give an unnecessary handle to the police? A report by an enemy to the police may bring into disgrace an otherwise honourable and honest man. So, without going into further details, I feel that the Bill falls far short of the objects in view and is not an effective remedy of the evil which the Honourable the Mover has in mind. But before I take my seat, I wish to make it clear that I do not admit that this evil exists to such a large extent as to require legislation. I do not even regard legislation as the proper remedy for such evils. Social pressure is the proper remedy and, for that reason alone, opinion must be obtained. I hope the Honourable the Mover will accept this motion as it will not involve much delay. For this reason I desire the opinions to be available before the next Session and am confident that the Honourable the Mover will welcome the eliciting of opinion.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934."

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I feel rather diffident whether to support this Bill or to oppose it. I fully realise and sympathise with the object of my Honourable friend, Kunwar Raghurir Singh. The conditions he has depicted are really true and the position of the unfortunate girls who have to marry an old man of 60 and above is really very pitiable. Such ill-assorted marriages ought to be stopped. In some of the Indian States, they have passed legislation prohibiting such marriages altogether. But the Bill, as

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[Mr. B. V. Jadhav.]

it is drafted, is not very clear. First of all, it applies to all the subjects of His Majesty in British India. It also applies to the members of all the communities. Among Muhammadans, I think, a bride's price or *mehar*, as it is called, is necessary.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): It is not bride's price, it is consideration for the contract of marriage.

Mr. B. V. Jadhav: I am very glad that my misconception has been removed, and, therefore, I do not think that the Muhammadans have any objection to this Bill. However, among the educated classes the practice of paying bridegroom's price or asking for dowry from the parents of the girl is a very serious one. Many of the girls in Bengal and other places have been suffering from these heavy exactions and girls like Snehalata have burnt themselves down. That is a crying evil and, therefore, something ought to be done to put down that evil. But, I am afraid, legislation in this respect is not of much use. If you make the taking of the bride's price penal or the bridegroom's price penal, then these transactions will be driven underground and there will not be any evidence to show that money has changed hands. As my Honourable and gallant friend, Captain Lal Chand, who has just sat down, has said, education of public opinion is a very good remedy. My Honourable friend the Mover, has cited a number of authorities showing that, accepting the price for a bride sends the parents to perdition. But, as is well known, these injunctions of the Shastras are more honoured in the breach than in the following. I may also quote a number of other Shastras. At the same time, I may say, the Hindu Shastras are, so to say, beautifully paradoxical. There might be other authorities which will sanction the acceptance of a bride's price. For instance, among the eight forms of marriages, there is one form, called the *asura* form, in which the acceptance of a bride's price is actually necessary. It is commended that one must take the price and one cannot give the bride free.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Where is it commended?

Mr. B. V. Jadhav: I can give you an instance. When the Prince Pandu was married to the Princess Madri, it is said in the Mahabharata that although the brother of Madri was willing to give the hand of his sister to Pandu without taking any price, still he had to say that it was the custom of his clan and, therefore, the price must be asked for and must be paid, and no less a person than Bhishma paid it very willingly. I may refer my Honourable friend to the story in Mahabharata. The Bill, as drafted, is very vague and many objections can be taken to it. Therefore, it would be much better if the Bill is sent for eliciting public opinion and, in the light of those opinions, it is completely re-drafted.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation. The previous speakers have pointed out all the difficulties that might arise if the Bill is considered as it is. I should like to add one important thing and it was also dealt with by my Honourable friend, Mr. Jadhav. But I cannot agree with him when he says that the bride's price is a necessity. But what is known to every lawyer is that a bride's price makes the marriage of

an inferior kind. That kind of marriage has been recognised not only by Shastras, but also by custom and usage, and it is a matter of common knowledge that this bride's price is usually paid in all parts of the country and the practice is obtaining in many communities. Therefore, it is necessary to obtain public opinion in order that this House may know how far the provisions of this Bill would affect the existing practice and usage. It cannot be said that in every case the practice is condemnable. In many cases, the price is taken simply because it is the practice. In many cases, money is paid or some sort of consideration is given, because the parents of the girl happen to be poor. Therefore, it is necessary not only that the opinion of associations should be obtained, not only the opinion of the public should be obtained, but also the opinion of all the High Courts in this country should be obtained. For these simple reasons, I support the motion for circulation.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, the object of the Mover of the Bill is a very laudable one and I do not think there is any difference of opinion with regard to that matter. This Bill, as framed and as introduced, in reality concerns only girls who are below 14 years of age. This House sometime ago passed a Bill making it a penal offence to marry a girl below 14 years of age. If the provisions of that Bill were enforced and given effect to properly the *raison d'être* for this Bill would disappear. There would be no occasion to discuss this Bill if girls below 14 years of age were not married in the country. But, as it is, girls below 14 are married, and sometimes these girls are given in marriage for money consideration. This Bill has been introduced to stop that practice. It often happens that, because there is no widow remarriage obtaining in the higher classes of Hindus, if people of 50 and even 40 years of age want to marry, naturally, as there are no widows available, they must marry minor girls of 12, 13, 14 or 15, as the case may be. That being so, parents very often marry their young girls, particularly very poor parents, for a money consideration. Old widowers, when they cannot get women of 20 or 30 or more, are obliged to marry young girls. It is only the poor people who for a money consideration give their daughters in marriage to old people. It is a crying evil in this country: and from all classes of society the cry has gone forth that this practice should be stopped. The principle of the Bill is very sound and I do not think there can be any objection to the acceptance of the principle. The proper motion with regard to this Bill would have been to refer it to Select Committee where the language of the Bill could be modified and the provisions could be put in such a way as to do nothing more than to meet the requirements of the Bill which in reality are nothing more than to prevent old people marrying little girls for a money consideration. Unfortunately no such amendment is before the House. But so far as the principle of the Bill is concerned, I do think that there is no objection to accepting that principle and, therefore, circulation, to my mind, is not very necessary. I, therefore, think that this Bill may be taken into consideration and I support the motion.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation. The chief aim and object of the Mover of the Bill seems to be the protection of minor girls against inequality of ages of bride and bridegroom and that girls should not be married till they have completed the age of at least 14. Sir, the evils of early marriage are best known to us. Besides, this system of early marriage has increased considerably the number of widows and it produces

[Rai Bahadur Lala Brij Kishore.]

bad effects on the coming generation also. As a great social reformer has truly said:

"Impressions, good or bad, made in the time of childhood can never be effaced in after life and the illiterate mothers of unripe age and experience can never be expected to exert that wholesome moral influence on their children which can be of substantial good to them in the battle of life."

With regard to the religious point of view, much has been said by the Honourable the Mover, but, Sir, he has gone too far in saying that these offences will not be compromised and there can be rigorous imprisonment. There should be no such strictness in social laws, but, Sir, all these difficulties can be removed when this Bill will go to the Select Committee after circulation. Sir, I am always of opinion that there should be no change in our social laws without obtaining public opinion for which the Mover himself is willing, and so I support the motion for circulation.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, when I went through the various clauses of the Bill, I found that there could be no objection to a measure like this being passed although the Bill does not say anything against marriage at a particular age. It does not occur here. Here the simple provision of the Bill is that "if a parent sells his or her daughter before she has attained majority", etc. It does not speak of marriage. Evidently there cannot be any objection to a provision like this, for children should be protected from being sold by parents for immoral purposes.

Bhai Parma Nand (Ambala Division: Non-Muhammadan): Are there any cases like this?

Mr. Amar Nath Dutt: I am not aware of that. The sponsor of the Bill has probably seen instances where girls are sold even below the age of 14. Sir, I am against the selling of a girl of even over 14, or, for the matter of that, any woman, whatever may be the purpose of that sale. It is nothing but slavery and it is against the moral laws of all civilised societies. So, I think no one can object to a Bill like this being passed. But, in the Statement of Objects and Reasons, I find that the Honourable the Mover has in mind something else than that also. He says:

"This Bill provides for the protection of minor girls (a) against inequality of ages of bride and bridegroom," etc.

Sir, I do not know whether, if the provisions had really gone so far as that, I would have been able to give my unqualified support to a Bill of this nature. But so far as the clauses go, I think the Statement of Objects and Reasons does not go in the same line along with this provision. And if really any penal provision was needed against the acceptance of money by the parents of a girl anywhere, it does not exist at least in my province. The evil is otherwise in my province and I wish the gentleman who has sponsored this Bill had included that in this Bill, namely, the acceptance of dowry. Sir, I think those who have any knowledge of Bengal society know how difficult it is for a father of four daughters to get all the daughters married with the limited resources which a man ordinarily has. And this is a crying evil at least in that part of the country from where I hail, and I would have given my heartiest support and unqualified support if the

provisions of the Bill had been framed like that. But the opposite evil which the Honourable the Mover contemplates I am not aware of unless it is the poor people selling their girls for immoral purposes which should certainly be stopped. But as I find that there is a motion for circulation, it will be better to have the opinions of the people of those provinces where this custom prevails and to have the wording of the Bill a little changed so that it might find acceptance in this House. With these words, I support the motion for circulation.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, I would not have made up my mind to speak on this Bill, had not my friend, Captain Lal Chand, said some thing about the two divisions of reformers and anti-reformers that exist in this House. I have been thinking all this time in what section he put me—as one of those persons who have been swept off their feet and found refuge in some place to escape the Arya Samaj agitation or the other class, I do not know. I am not ashamed of supporting my religion if really a religious question arises; I will support it and I am quite prepared to support it with my life. There is no shame in that. To me my religion is very dear, and it is not as if it can be changed or thrown off as a cast off cloth. In this particular Bill, I agree with my friend, Mr. Amar Nath Dutt, that the clause itself does not go so far as the Statement of Objects and Reasons. I do not know whether it was intentional or accidental. The most important objection with which I agree with my friend, Captain Lal Chand, is, whether after all, such an abuse exists in such large areas and in such large numbers that this Legislature is asked to interfere. That has not been clear. I know that things of this sort do exist and probably in the name of *vara shulka* or *vadhu shulka* money does pass; it may or may not amount to a sale; those are difficult things to decide. After consideration of all these, I think there is no harm if the Bill is sent out for circulation and then we will know exactly whether there is this evil really in existence; and, in order to do that, it is no good asking for the opinions of High Court Judges and all those exalted people, but I submit that it should be largely circulated among the members of the Hindu community all over the country, among all castes, so that we will know exactly how far this evil exists and whether it would be a proper thing that this Legislature should interfere in a matter of this sort. So, I support the motion for circulation.

Bhai Parma Nand: Sir, I rise just to make one point clear and that is this: the Honourable the Mover, Kunwar Raghubir Singh, has told us that the evil of selling girls exists in the Punjab, in the United Provinces and also in other Provinces. If he talks of this evil in the sense that minor girls are sold in marriage to certain people, I would also admit that this evil does exist to a certain extent in the Punjab; but as my Honourable friend, Mr. Amar Nath Dutt, has explained that this Bill does not refer to marriages at all, but to selling girls to certain persons for pecuniary consideration, I think in that sense this evil has no existence at all to my knowledge in our Province, and I can say also that it does not exist even in the United Provinces. Therefore, if this Bill does not refer to minor girls being sold in marriage to persons of unequal age, no purpose can be served by it. In case it refers to marriage also, then we have already got the Sarda Act which prohibits the marriage of minor girls below fourteen to any person and thus this Bill will be superfluous and is not needed. I think, instead of moving it for circulation, I would ask the Honourable the Mover to withdraw it as being altogether of no practical good.

The Honourable Sir Harry Haig (Home Member): Sir, like many other Honourable Members who have taken part in this debate, I have found considerable difficulty in discovering precisely what the object of the Honourable the Mover is which he wishes to achieve by this Bill. In his Statement of Objects and Reasons, he says that the Bill provides for the protection of minor girls against inequality of ages of bride and bridegroom. I cannot find in the actual provisions of the Bill anything which would effect that object. The various difficulties in the interpretation of the Bill have been brought out very clearly in the speech of my Honourable friend, Captain Lal Chand, and I do not wish to repeat all those difficulties. But there are one or two points which occur to me.

In the first place, the Bill appears to be intended to penalise certain transactions leading up to marriage in the case of girls under the age of fourteen. As has already been pointed out, we have in existence, as the House is well aware, an Act of the Legislature, the Child Marriage Restraint Act, which already makes it a penal offence for any girl under the age of fourteen to be married; and, therefore, from that point of view, it does not seem to be very useful to provide a special penalty for selling a girl for marriage under the prohibited age. Then, again, it is not very clear to me whether the language used by the Honourable Member in his Bill would in fact be effective and whether the transactions which he wishes to stop would be held by the Courts to come within the term "sale". We have heard this morning that, in the case of marriages in the Muslim community, certain money transactions take place which members of the Muslim community quite clearly state are not in the nature of a sale. But I think it might be possible if this Bill were passed that in the Hindu community also it might be argued that the disposal of a girl in marriage, even if money is paid in connection with that, does not amount to a sale. I understand that a Hindu marriage would not be described as a contract, but a sacrament which creates a certain status. I merely raise these points for consideration. Again, it is not stated clearly in the Bill that the object is to prohibit the sale of a girl for marriage: it merely prohibits the sale of a girl. As has been pointed out by Honourable Members, the provisions of the Penal Code already cover sale for immoral purposes, sale as a slave and things of that kind, and attach very serious penalties. Therefore, if the intention is merely to penalise sale for marriage, that ought to be stated quite clearly in the provisions of the Bill. But though there are these difficulties in the Bill, as drafted, the Government have no wish to prevent further ventilation of this subject and I think it is the general view of the House that it would be well if this subject were further explored and if the Honourable the Mover and other Members interested had an opportunity of clearing their ideas in the light of the opinions that might be received from the public as a result of circulation. Therefore, the Government are prepared to support the motion for circulation.

Rai Bahadur Kunwar Raghubir Singh: Sir, I must at the outset thank the supporters of my Bill and those who have taken an interest in this subject. My friend, Rao Bahadur Chaudhri Lal Chand, objected to the name, but I would say "what is there in a name",—any name may be given to it,—my only object in bringing forward this measure before the House is to stop the sale of daughters.

Then, Sir, objection was taken to the fact that inequality of ages has not been given in the clauses. That is perfectly right, but that is the result of selling. I do admit that there are some errors in drafting, but

I may point out that this was the first occasion I drafted a Bill, and as a layman I could not be perfect in framing an important measure of this character.

Then, it was pointed out that the penalty was not enough, and that social pressure would solve the problem. Sir, society has been crying hoarse against this evil for very long, and it has not been able to eradicate this evil, and, therefore, I sought the aid of this august Assembly to carry this measure. My friend, Mr. Jadhav, who takes great interest in such measures, also pointed out that some steps were necessary. As I pointed out in my opening speech, I am quite agreeable, if the House so desires, to send this Bill for circulation.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

‘That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1934.’

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): Raja Bahadur G. Krishnamachariar.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, there is some little difficulty, I was not prepared for the Bill being reached so soon, because if my friend, Diwan Bahadur Harbilas Sarda's Bill regarding the fixing of maintenance was taken up, I thought my Bill would not be reached, and I have not even brought my papers

Some Honourable Members: But go on without the papers.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): You need not move it.

Raja Bahadur G. Krishnamachariar: May I move it later in the day, Sir?

Some Honourable Members: You cannot do it.

Raja Bahadur G. Krishnamachariar: I do not want your ruling. You had better wait. I want a ruling from the Chair.

Mr. President (The Honourable Sir Shanmukham Chetty): It would not perhaps be proper that any motion should be postponed to a later hour in the day on the ground that an Honourable Member was not prepared for it. It will be unfair to other Honourable Members whose names appear down below. The Honourable Member must now make up his mind whether he wants to move it now or not.

Raja Bahadur G. Krishnamachariar: If all the business is over today before the usual hour, perhaps you will be good enough to allow me to move it.

Mr. President (The Honourable Sir Shanmukham Chetty): That will be setting a bad precedent, and the Chair cannot allow it.

Raja Bahadur G. Krishnamachariar: Very well, then I shall not move it.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move:

“That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon.”

Sir, I must explain the reasons which have prompted me to bring a motion for circulation, because ordinarily the sponsors of a Bill either ask for a Select Committee or make a motion that the Bill be taken into consideration. I have found, for reasons best known to the Government, that this Bill is not acceptable to them. A time may come when this may be acceptable to the Government. I shall submit before this House the reasons which prompted me to introduce a Bill like this. The Indian Bar Councils Act was passed with the intention of doing away all distinction between an English Counsel practising in India and an Advocate enrolled in India. There is an influx of English Counsels in India, and many gentlemen whom I see here are members of the English Bar. It is but natural, and we cannot expect anything otherwise, because the members of the English Bar will think that their status ought to be superior to the status of those Advocates who are trained in India. But, Sir, the time is not far distant when it will not be necessary for any of us to go to far-off England to qualify ourselves for the Bar. I presume that the invidious distinction that existed between a member of the English Bar and an Advocate trained in India prompted the passing of the Indian Bar Councils Act after due inquiry, but, Sir, certain loopholes have been left there which is taken advantage of by certain High Courts in India to preserve that distinction still, not only in the matter of their robes, but also in regard to their status. My intention is to standardise the robes as well as the rights and privileges of Indian Advocates. But, Sir, so long as human nature continues to be what it is, although I expected from members of the English Bar that they would also support this, my painful experience has been that the Bar Councils of some High Courts, dominated by members of the English Bar, make a distinction of status and robes. That being the situation, I long for the day when an Indian Advocate will adorn the exalted office of the Law Member of this House and who will not probably be so eager to perpetuate the distinction between a member of the English Bar and a member of the Indian Bar.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir Tej Bahadur Sapru was a Law Member here.

Mr. Amar Nath Dutt: Yes, Sir, that was so.

Under these circumstances I thought it wiser that I should only move for the circulation of this Bill and show to the Government as well as to this House how much support this Bill will get from non-officials outside this House, and I think, Sir, it would have been more graceful if the Government had seen their way to have this measure passed with such modifications as they thought proper. When on the last occasion I wanted that this Bill be taken into consideration, an amendment was moved by Sir Lancelot Graham asking for circulation of the Bill. I scented danger there, and having scented danger there, I thought it wise that I should not try to convince those who were not likely to be convinced

in any way, and that it was better for me to accept their own motion for circulation and to move it. So, I beg to move that this Bill be circulated for the purpose of eliciting opinions thereon.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural). I give my support to this motion for circulation of the Bill. I belong to that profession. . . . (Mr. Gaya Prasad Singh: "Noble profession"). . . . to that profession which my learned friend very rightly calls the noble profession of law. Now-a-days Indians want that there should be no discrimination in any direction between the British and the Indian people. That is the current that is going on and in this House we challenge and ask questions whether in practice discrimination has been shown or not. The Honourable the Mover's intention is to see that, in the interests of the solidarity of the Bar, there is no distinction between the English Advocate and an Indian Advocate. I do agree with him when he said that the Bar Councils Act was intended to remove any such distinction and to have a united Bar in India. There will be no union if there is discrimination. United we stand, divided we fall. To have different rules for English Baristers and Indian Advocates is absolutely invidious. Therefore, I feel that this question should be gone into thoroughly. The opinions of all High Courts, those of members of the Bar and of Bar Associations should be collected to see what are those difficulties which come in our way to make a uniform law on this point. I think that there are certain rules and regulations which require to be corrected and amended, and, with that end in view, it is a wise step that my Honourable friend is taking. He is not asking for taking this Bill into consideration and passing it at once. He is asking for circulation, so that we shall be in a position to tackle this question in all its phases. Therefore, I need not now go into instances of discrimination that is now going on. It is very plain that there are greater rights and privileges given to English Advocates which is causing very grave distrust among the members of the Bar. In order to have unity and full brotherhood, I submit, this motion is a necessary one and the motion for circulation should be accepted.

Mr. S. G. Jog (Berar Representative): I am sorry I am probably coming in the way of my esteemed Leader, Sir Hari Singh Gour. I am sure, he will have his turn and probably he will rise to defend the noble profession to which he has the honour to belong. I have also the honour to belong to the same profession to which my Honourable friends, Mr. Amar Nath Dutt, Mr. Lalchand Navalrai and Sir Hari Singh Gour, belong, although the last one belongs to a different category. I must sincerely congratulate my Honourable friend, Mr. Amar Nath Dutt, for having introduced this Bill. Even in his retiring stage, he is making every effort to safeguard the interests of the profession to which he belongs.

There was a time when members of the English Bar wanted some special privileges and rights over those who belonged to other categories. It may be that in those days those people coming out with a better education might have been in a position to assert their superiority over others in the Bar. But those times are gone. Now, with the progress of Indian Universities, many distinguished members of the Bar are to be found among

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Indians, and I do not think that there is any necessity to keep up these invidious distinctions now between members of the same Bar. This principle has been recognised and it is necessary to get rid of these distinctions. We have no mind to rush through this Bill. It is necessary to hear what the other side has got to say on this Bill, and my Honourable friend's motion that the Bill should be circulated for eliciting public opinion is no doubt a fair one. We are going to be fair to those who are our elder brethren, and I hope that, when the Bill goes to them, they will not bring in any obstacles in the way of effecting the necessary improvements. The time has really come for making the profession more democratic and liberalising the privileges which probably once belonged to a specially favoured few: We will probably be establishing soon in India a Supreme Court and also a Privy Council, and these questions will be of great importance and they must be solved before those bodies are established. The members of the same profession should have equal facilities and equal privileges and equal rights. With these words, I most heartily support the motion of my Honourable friend.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): May I briefly recapitulate the facts which have led to the passing of the Bar Councils Act, and particularly to the section dealing with the relationship of the members of the English Bar and the members of the Indian Vakil Bar?

As some Honourable Members here might know, in the first Legislative Assembly, Munshi Iswar Saran moved a Resolution for the purpose of eliminating all distinctions between the various members of the legal profession and creating what he termed a self-contained Indian Bar. Sir Tej Bahadur Sapru was then the Law Member and he accepted the motion of the Mover to the extent that he promised to circulate the debate and elicit public opinions thereon. The motion was circulated, opinions were collected, and the Government of India then formed a Committee, called the Indian Bar Committee, to whom the Government of India consigned the work of eliminating as far as possible the distinctions between the various grades of the learned profession in this country. The Committee drew up their report and made the following recommendations. They said that members of the English Bar, by which I include members of the Faculty of Advocates of Edinburgh and members of the King's Inn, Dublin, in Ireland, were entitled to practise in India as Advocates, and because they were enrolled as Advocates they obtained a seniority over members of the indigenous Bar who, under the rules of the various High Courts then in vogue, were entitled to enrol themselves as Vakils. The grievance of the Vakil Bar against the members of the English Bar was not so much against the seniority of the English Bar over the Indian Bar as to the disqualification from which the members of the Indian Bar suffered in not being permitted to appear on the Original Side of the Calcutta High Court, and the Vakil Bar of the Calcutta High Court took up the cudgels against the members of the English Bar on the ground that they were placed in a position of special disability in not being permitted to appear on the Original Side of the Calcutta High Court. A similar rule also prevailed on the Original Side of the Bombay High Court. Of the other Presidency High Courts, the Madras High Court had not got the Original Side to the extent we have in Calcutta and Bombay. So the question in Madras did not assume that acute

form that it did in the High Courts of Calcutta and Bombay. Now, the Bar Council Committee decided that, while the distinction between the members of the English and the Indian Bars should be as far as possible eliminated, they also recommended that, as the members of the English Bar had been enjoying their right of seniority ever since they commenced their practice in this country as a compensation for the loss of their prestige and their seniority, they should be given the rank, at least some of them, of King's Counsel and so we will have the following classes of legal practitioners, first the King's Counsel, leaving out the Advocate General who was given preaudience and seniority over the ordinary practitioners, the members of the English Bar who reckon their seniority from the date they are called to the Bar and other legal practitioners, that is to say, the Vakil Bar who rank for seniority from the date of their enrolment in the High Court. Now, this was not the recommendation of the Bar Councils Act but Sir Alexander Muddiman introduced a Bill in which he wished to do away with the seniority of the English Bar altogether and the original clause in that Bill was that all Advocates, whether Barristers or Vakils, will rank for seniority from the date of their enrolment in the High Court. I happened to point out to the Honourable the Occupants of the Treasury Benches at the time that the English members of the Bar had been enjoying their right of seniority from time immemorial and that the Bar Council Committee had taken away, to a very large extent, their special privilege of appearing before the Original Sides of the Bombay and Calcutta High Courts and that, as regards appearance, they would now be classed as Advocates alongside of the members of the Indian Bar and that, so far as seniority was concerned, I pointed out that according to the English practice a member of the English Bar ranks for his seniority from the date of call and that, on the date he is called to the Bar, he becomes entitled to practise in the Privy Council of England, which is the Supreme Judicial Tribunal for this country. Therefore, it follows that, being a competent practitioner in the highest Court of Appeal, he should not lose his seniority by the mere fact that under the rules of the various High Courts he had to get himself enrolled as an Advocate of the High Court in India. I also pointed out that the Government measure which eliminated all distinction between members of the English Bar and Indian Bar was not conducive to the very high standard which members of the English Bar have attained in their professional and personal conduct in this country. The English Bar has a very ancient tradition and members of the English Bar practising in this country carried with them those traditions, and one of them was that the emolument that they received was treated as an honorarium and not *merces*. It was treated as a gift for which no suit could be maintained. If they did not get paid, they had no means of enforcing payment in a Court of law and there were other rules of conduct which members of the English Bar followed in this country, as for example, having a junior in a case and not acting but merely arguing cases upon instructions received from a Solicitor or Attorney and there are other rules which I do not want to tire the House by recounting. The point I, therefore, made was that the English Barrister is losing everything and getting nothing and that it was very unfair for the Government by one fell stroke of the pen to take away all those ancient privileges of the members of the English Bar. I further pointed out that it was open to any member of the Indian Bar to become qualified as a member of the English Bar, so that it was not by any means a close corporation. It was a corporation admission to which was open to all members of the

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Indian Bar. Sir Alexander Muddiman felt the force of my argument and decided to withdraw that clause for further circulation. That clause was circulated and all the opinions collected upon that clause supported the view which I had advanced on the floor of the House, with the result that an amending Bill was introduced in 1927, which became Act XIII of 1927, the result of which was that members of the English Bar upon their enrolment as Advocates of the Indian High Court were entitled to count for seniority from the date of their call and that members of the Indian Bar obtaining their enrolment as Advocates of a High Court became entitled to count their seniority from the date of their enrolment. That is the only distinction that exists between the members of the English Bar and Indian Bar. The disqualification from which the members of the Indian Bar suffer, namely, that they were not entitled to appear on the Original Side of the Calcutta and Bombay High Courts had already been done away with, and all Vakils of a certain standing were entitled to be enrolled as Advocates of the High Courts of Calcutta, Bombay and indeed of the other High Courts.

Now, the gravamen of my friend's complaint seems to be this. He says that the robes that the members of the English Bar wear
 1 P.M. should be the robes which members of the Indian Bar on their enrolment as Advocates should be entitled to wear; and the second thing is that the slight advantage that is given to members of the English Bar should be eliminated; in other words, the Bill, as it was introduced in 1926, and the clause which was withdrawn by Sir Alexander Muddiman should be restored, and the amending Bill of 1927 should be rescinded. Now, let me point out to Honourable Members, who might be classed as laymen in this House, that the question about the robing of the members of the English Bar is a question upon which the members of the English Bar themselves feel naturally very strongly. They want to keep up their identity. You can have embroidered robes, we do not object, and, instead of one tassel you can have three tassels, you can have any colour you like, and a more gorgeous raiment, but why do you want to be colourable imitations of myself? The members of the English Bar do not by any means put on a gorgeous robe; they put on a robe made of ordinary alpaca and ordinary stuff: and members of the English Bar say, rightly or wrongly, "we want to keep up our individuality, we want the public to know, for better or for worse, that we are members of the legal profession in England. If you want to have your own robes, by all means let the High Courts prescribe them, and they have prescribed them", but why try to imitate the robes of the English Barrister to which he has become, as it were, entitled by long usage extending over several centuries? Sir, in the morning we have had some discussion in connection with the *khadi* of people trying to mimic other people's goods. Well, if I was a member of the Indian Bar—and I may say incidentally that I am entitled to be a member of the Indian Bar as much as I am a member of the English Bar—I should scorn to don the clothes of another body and I should prescribe gowns of my own and so, in course of time, those gowns will be clothed with as much honour and reverence (*An Honourable Member*: "and dignity") and dignity, as the robes of the English Barrister. I do not really see there is anything to gain or anything to lose by the members of the Indian profession having distinctive robes of their own. But this distinction only exists in the Calcutta High Court. In some other High Courts, so far as I am aware, the Barrister's robes are

also donned by the Vakil Advocates. Well, of course, that is a point which I only wish to mention incidentally, but I beg to submit that, so far as members of the English Bar are concerned, they naturally, rightly or wrongly, but very naturally wish to stand by the costumes which their learned brethren of yore have worn and they wish to keep up their identity, and that is all they wish to do.

Now comes the next question about the seniority of the members of the English Bar *vis-a-vis* the members of the Indian Bar. Only as far back as 1927, only six years ago, this question was settled by this Legislature after eliciting public opinions on the identical question now sought to be raised by the Mover of the motion. Now, what fresh facts have come to light since 1927 which will give to this House an indication of the altered view of the public on this question? Honourable Members must remember that this is a question which does not concern the public: it is a question which concerned only the members of the legal profession. . . . (Mr. Amar Nath Dutt: "The noblest on earth") . . . as my Honourable friend, Mr. Amar Nath Dutt, ejaculates, the noblest upon earth and to which epithet I quite agree. Now, it only concerns a very small body of men who practise the profession of law in this country (A voice: "A select body") and I beg to ask, what justification there is for my Honourable friend to demand that the verdict of this House given in 1927 should now be revised?

Now, Sir, I am not myself satisfied with the manner in which the members of the English Bar in this country are treated. I make no secret of the fact that I have always struggled and am still struggling that members of the English Bar, whether practising in England or in this country, must be put on the same footing as members of the English Bar practising in English Courts (Voices: "Why? Why?"), and, I may say in this connection, that I have the very strong support of legal opinion in England, and I moved the other day a Bill to bring into line the members of the English Bar in this country with those practising overseas, but my Honourable friend, Sir Lancelot Graham, opposed that Bill and that Bill was, therefore, thrown out by this House. Well, after the vicissitudes of that measure, I do not feel very strongly on the subject, whether members of the English Bar in India should or should not retain their seniority seeing that, so long as they continue to be members of the English Bar, they will remain the hewers of wood and the drawers of water so far as the English Bar is concerned. Therefore, they are not very proud of being members of the English Bar in this country, and I personally should much prefer that in the near future we should make a rule that nobody should be entitled to practise in this country unless he has an Indian legal degree (Hear, hear), and I should be very glad indeed. That would be serving the English Bar right and those reactionaries who support the view which Sir Lancelot Graham propounded in this House the other day. I should be very glad indeed. A vast amount of money is being wasted by the youths of this country who go long distances to Europe to pass a comparatively easy examination, and when they return to this country, they are certainly not a credit, speaking generally, to the legal profession to which they afterwards belong. I, therefore, feel that it would be perhaps in the interests of India if we did away altogether with the special privileges which attach to the members of the English Bar and we made it a rule that nobody is entitled to practise in this country unless he qualifies himself in the law examinations of this country. The Hindu and Muhammadan Law, which is our general *corpus juris*, is quite different to the common law of England, and a man, who passes an examination in England, is not competent to practise in the Indian Courts without acquiring knowledge of the Indian

[Sir Hari Singh Gour.]

Law. I, therefore, feel that it would be perhaps a right thing if we did away altogether with the eligibility of the members of the English Bar to practise in the Indian Courts. Thousands of our boys go to England, waste their time, as I know, and many Members of this House must be aware of it, do very little legal work and, at the end of two years and eight months, pass a comparatively easy examination and come back to this country. If they were members of the English Bar and treated as members of the English Bar for all purposes, there would be something in keeping up this long-established link between the two countries. But, as I have pointed out, we have been cast adrift and I think it is up to the Indian Legislature to take up this question once for all. If India is to have a self-contained Bar, let it be a self-contained Indian Bar. If the Honourable the Mover of the motion wishes to press his Bill upon the lines I have indicated, I am quite sure that there would be a large body of support, and the passage of his Bill through this House would be comparatively easy. Sir, I have stated the history of the English Bar in India, I have complained of the disabilities from which the English Bar in India suffers and I have pointed out that, if these disabilities are not removed, time is not far distant when the English Bar in India will cease to be.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shannukham Chetty) in the Chair.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Just before we separated for Lunch, my Honourable friend, Dr. Gour, who unfortunately is not here, was very vigorous in his speech, and taking advantage of the recess, I went into the Bill and I do not know that there was anything in it which need have provoked him a great deal as it has evidently done. There is one point that prominently struck me when I heard the last portion of his speech—unfortunately I was not present here during the earlier portion of his speech—and it is this. He claimed special privileges for members of the English Bar. I know something of it and I was particularly anxious to know their qualifications. According to his own description, these gentlemen go to England, spend a lot of money, waste their time with things which probably amuse them and then return to India and become *Sahibs* and put on hats. This is all the qualification they obtain and they get themselves called to the Bar by passing, in the words of my Honourable friend, Dr. Gour, a very easy examination. I quite admit so far as the termination of it is concerned. But there is no reason why we who have been toiling and moiling in our Universities and pass the most difficult examinations that human brain could conceive of and then come and struggle at the Bar . . .

An Honourable Member: Lose nothing.

Raja Bahadur G. Krishnamachariar: There is no question either of gain or loss. So far as the Indian University boys are concerned, after passing the examinations, they go and struggle at the Bar which those, who have

been at the Bar, know very well and I need not describe it to the House. What is the result? A young boy, who failed to pass his Matriculation Examination and possibly even a lesser examination, runs away to England and somehow or other eats the dinners and gets himself called to the Bar after passing a very easy examination, and my Honourable friend, Dr. Gour, in all seriousness said: "Give that man a greater privilege than to a man who had been ten years at the University and drudged himself in passing the most difficult examination in India". According to my Honourable friend, the man who passes his examination in India is nothing compared to the other man who failed in the Matriculation Examination, but who, by crossing the black seas, got himself called to the Bar. A man like myself is no good compared to a Barrister who comes from England and he wants a better status than myself. Very well, what did my Honourable friend say if that better status is not given to these gentlemen who by some fluke passed an easy examination and got themselves called to the Bar. Abolish the whole system of the English Bar people coming here, this is the reply of my Honourable friend. It seems to me that this is like a little bit of operation of a child's mind as if it does not get exactly what it wants, it throws everything else, toys and whatever else comes in its way. After all, what is the trouble about? Either they are fit to hold their position at the Bar or they are not. If they are, they are justified. I believe, in England the examination is so easy, not because they want to get these people in at the Bar, but that lots of people who never have any idea of practising at the Bar also pass these examinations, because they have got a status as Barristers-at-Law which they would otherwise not get. That is not the way we do things here in India. We pass the examinations only for the purpose of entering into the Bar or probably obtain some appointment. Consequently I cannot understand the mentality which suggests a superiority for a person admittedly inferior in every way and, if that superiority is not given, what is the result? Throw the whole thing overboard, do not allow Englishmen to come to the Bar here. I am not one of those people who get very angry when they do not get what they want. If I do not get the thing I want, I simply console myself by saying that it does not matter, better luck next time. That is the way I judge of things and it will be a very bad time for India if those great lawyers and Barristers who have come and adorned the legal profession here in India had not been allowed to come here on account of the rage that my Honourable friend, Dr. Gour, lashed himself into this morning. He said: "If you are not going to make me a superior person in India, I am not going to allow the English people to come and practise here". That is not the way I look at things. India would have been much poorer if men like the late Eardley Norton, Anstey, Woodroffe, Jackson and those other huge giants of the Bar had not come here. I will tell you, Sir, an incident that happened early in the life of Mr. Norton, my old and dear master. There was a very sensational case at that time. A gentleman of the name of Mr. Garstin, who was a member of the Board of Revenue of Madras, was assaulted on his way to the hill station of Kodaikanal from the Railway Station. He had to pass through the Zamindari belonging to the Zamindar of Bodinaickanur. There was a little grudge between, I do not know who and who, but, all of a sudden, it turned out that it was the Zamindar of Bodinaickanur who set his men after Mr. Garstin and wanted to give him a severe thrashing, not with the idea of dacoity or robbery, but the idea was to get rid of Mr. Garstin. Unfortunately according to them, but, fortunately Mr. Garstin escaped. Then there was a prosecution and it was a most sensational case in those days in Madras. Mr. Norton was retained to defend the case. He put up a very strong fight and he, as you

[Raja Bahadur G. Krishnamachariar.]

know, Sir, was nothing if he was not a fighting man and he won the case. He got the Zamindar off the trouble, but further trouble was only to begin yet. The Members of the Executive Council thought that they had been defamed most mercilessly and criticised by Mr. Norton in his address to the jury and so they got out a rule against him to show cause why he should not be disbarred. If you see the reports of the case at that time, you will see how Mr. Norton manfully defended himself. He did not ask anybody to defend him and eventually, be it said to the glory of British law and British principles of justice, his right of free speech was maintained by a Full Bench of the Madras High Court and today we have got that decision as our charter in our hands. Now, if Mr. Norton had not been here to fight that battle,—and I can think of very few Indian Advocates, they are all very clever, very astute and subtle and that sort of thing,—but I cannot think of many people who could have so manfully defended the cause of the freedom of speech inside a Court, like Eardley Norton. And I say it deliberately that if men like that did not come here we should be all the poorer. And of Mr. Anstey, the older generation knew him very well and he was the man who fought that famous Wahabi case first before Mr. Justice Norman and then in appeal before the Calcutta High Court Full Bench. One has only to see the reports of the arguments of that case to see what a great boon Mr. Anstey had conferred upon India and how he has pointed out the way for a member of the Bar to behave in difficult cases. Sir, men like that must come here; they form a heaven in order to keep up the glorious traditions of the English Bar which we have learnt. As far as we are concerned, we never had anything like these Vakils or Barristers, and consequently I hope this House will not accede to the doctrine that, because English Barristers are not given a superior privilege for their merit of having failed in the Matriculation Examination here, only persons who have passed the Indian B. L. degree and the M. L. degree should be enrolled here. I hope this House will not agree to the proposition that men like Eardley Norton and Anstey and all those people should come and pass our examination here at their middle age if they want to practise here. That will be a calamity and I hope that calamity will not strike us here.

As for the Bill itself, I am not quite sure what my Honourable friend, Mr. Amar Nath Dutt, wants. In Madras, we have got the right to appear on the Original Side the day after we are enrolled not even as Advocates, but as Vakils. This had been the practice from the old days, from the time of John Bruce, Norton and those stalwarts of the Bar and they never had . . .

Mr. S. G. Jog: Has the Madras High Court got original jurisdiction like Bombay and Calcutta?

Raja Bahadur G. Krishnamachariar: Yes. I was not aware that Mr. Jog, after all these years of public life, did not know that we have got an Original Side in the Madras High Court. Surely our Original Side there is very much alive and we are very much overworked; for, inspite of the relief we got after the establishment of the City Civil Court, we are still very much in arrears. The practitioners in the Original Side there can hold their own against any set of English Barristers.

Mr. S. G. Jog: Have you got Solicitors as in Bombay or Calcutta?

Raja Bahadur G. Krishnamachariar We have got Solicitors and those Solicitors are more than a match for both Calcutta and Bombay put together. Do not talk of Madras in such a light manner. What profession do you want? You know, Sir, in the Reserve Bank debate there was a little storm in a teapot over the question of Shareholders *versus* State Bank. One of the Members of this House, who is not here now, was talking to me in a friendly way and I asked him why he would support a State Bank and not a Shareholders Bank. He said, "Once there is a Shareholders Bank, Madrassis will obtain the whole lot of appointments. What Madrassis will leave, the Bengalis will take up, and what the Bengalis will leave, the Parsis will take up, and where are we?" You can easily understand the community to which my friend belonged. That is as regards the Reserve Bank. Take the Finance Department of the Government of India. The complaint is that they are flooded with Madrassis. But leave them alone. Take journalism. From Peshawar to the east of Bengal, from Delhi to Cape Comorin, nearly every Indian edited paper is run by a Madrassi. And, Sir, fortunately, lest one place may not be occupied by a Madrassi, we had the good fortune of electing you to preside over this Assembly. (Laughter.) So that all round from the most democratic institution, from that hated press and from the Presidentship of the Assembly to the Finance Department of the Government of India, you can never do without a Madrassi; and as you said humorously, the reports of the proceedings of this Assembly are made more readable—I will not put it any less than that,—on account of the existence of Madrassi reporters here in the reporters' gallery. Therefore, Sir, let not my friends think that because they have got Bombay, we are therefore, the most conservative. They will not allow Vakils to practise on the Original Side of the High Court, because they have got those old-world superstitions. No, Madras is the first and foremost to have adopted what Mr. Amar Nath Dutt is fighting for today. The trouble is about some gowns and robes and other things which the Calcutta High Court has been framing rules about as to who should wear which gown. Surely I do not think that my Honourable friend, Mr. Amar Nath Dutt, need trouble himself about it. Red gown or white gown or blue gown, whatever it is, these things do not make an Advocate; it is the Advocate himself that makes the gown; and, therefore, I do not understand what urgency there is about these rules. They have inherited this sort of thing and we cannot help it. But if there is any merit in it, I do not see any reason why this Bill should not go for circulation, and I cannot see any force in my friend, Sir Hari Singh Gour's argument that because you don't give me one position, I am not going to allow you to have your own way. Surely there is place in the world for all proposals and, if one proposal is decided against you, why not give the other man a chance? That, Sir, is my position.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, after the speech of the Leader of the Centre Party, I think I should not have tried to make a speech, because there is very little left of the Leader of my very humble Party. I could never imagine when Sir Hari Singh Gour threw such a tempting bait to his neighbour on the front bench where "black waters" and white qualifications were involved, that the Leader of the Centre Party would have refused so quickly to take the bait. Sir Hari Singh Gour's speech was based obviously on his repeated experience in London and association probably

[Mr. C. S. Ranga Iyer.]

with those young men whom he probably wants to live the same life of boredom through which he passed in the last century: He thought there was no point in sending our young men to a foreign country. Examinations are so easy, the attractions are so many, and, therefore, they come back more or less as good for nothings. That was his condemnation of a class of young men, very brilliant, very noble, with a very wide outlook, who have contributed to the building up of the Indian people from a national point of view, or, if you like, from a Nationalist point of view. Had Sir Hari Singh Gour not been a Barrister himself, he would have been a frog in the well. He would not have been coming forward day after day to the disgust of my friend, the Leader of the Centre Party, with revolutionary schemes of social reform. I personally like Sir Hari Singh Gour's revolutionary schemes; I like them, because I know he wants to Europeanise India, in the best sense of the term, because he has Europeanised himself and he owes that to his European education. Much as I would like our people to stick to what is national in them, I want them to keep abreast with the currents and movements of modern life. Why, I ask, did he take advantage of this occasion to condemn our young men as good for nothings? Barristers? Well, Barristers have built up the National Congress. Who were the very early leaders of the National Congress, may I ask? Barristers. Lal Mohan Ghosh, W. C. Bonnerji and other Barristers who associated themselves with prominent Indian Vakils and leaders. And then there were also other great men who went abroad, like Surendra Nath Banerjea. No use crying down education in England. He condemned our young men going abroad, but my friend, Mr. Amar Nath Dutt, did not do that. He knew better. He knew what Bengal has achieved by sending young men to Europe. There is no use condemning them. Who is Mahatma Gandhi? A Barrister. Who is Pandit Jawaharlal Nehru who is just now carrying on a big campaign in the country, whether you like it or not? A Barrister. Who is Sir Hari Singh Gour himself? (Laughter and applause.) And who, again, are those ornaments of the legal profession in the Punjab (pointing to the Democratic Benches)? Barristers. Who is our Law Member, a shining light of the profession all over the country? A Barrister. It is futile for Sir Hari Singh Gour to take advantage of this occasion roundly to condemn Barristers and then go to the extent of saying that our young men should not go abroad. He could not even curry favour for that argument with Raja Bahadur Krishnamachariar, who, given an opportunity to go abroad, after domestic consultations (Laughter), refused to go even though his community advised him to go. I need not labour this point further. I want Barristers to come to this country; and whatever little attraction we can give to the Barristers we may. Times have changed very much. I remember a historical incident—I am sorry the Member involved in that incident is not present—a great Muslim Barrister, an ornament of his profession, a man full of humour and ability, whose name, I am sorry to say, I missed in the last honours list and which I hope will appear among the knighthoods in the next honours list—I refer to Mr. Kabeer-ud-Din Ahmad: Mr. Kabeer-ud-Din Ahmad and the late Sir Rash Behari Ghose appeared in one case: Mr. Kabeer-ud-Din Ahmad as a Barrister was entitled to seniority, and, true to the traditions of a Barrister, he claimed that priority. Sir Rash Behari Ghose had to sit down, but Mr. Kabeer-ud-Din's good humour prevailed, and, after gaining his point, he yielded place. That shows that even

Barristers have a good sense of humour. Apart from the serious side of Sir Hari Singh Gour's allegations against Barristers, I thought I might as well mention that very famous, well-known and able Barrister, Mr. Kabeer-ul-din Ahmad, and this interesting case.

Lastly, I have only to say this: it is difficult for even the Leader of the Nationalist Party to get support either in or outside this House even in these delicate times when everything British is hated: he said the law in the country has changed so much that it is no good being a Barrister now; that shows that he is out of touch with the sort of papers that our boys have to answer when they appear for their examinations in England. Examinations are not so easy as they were; today a Matriculate from an Indian University or a School-final cannot go straight to England and become a Barrister: he has first to be a B.A.; and, to pass the B.A. examination in India, even Sir Hari Singh Gour must admit, is difficult. If he were to appear as a candidate for that examination, I promise you he will be the first in the list of unsuccessful candidates. (Laughter.)

Mr. N. M. Joshi (Nominated Non-Official): What about his books?

Mr. C. S. Ranga Iyer: They are very very good books; and I remember Sir Ashutosh Chaudhury in the Calcutta Congress Subjects Committee, after hearing the learned arguments of Sir Hari Singh Gour, exclaiming: "Well, I had not seen the author. I am glad to see the author now. I have read his books. I have listened to his arguments. I am disappointed with his arguments".

Raja Bahadur G. Krishnamachariar: But he is not disappointed with his books at all!

Mr. C. S. Ranga Iyer: I did not say that Sir Ashutosh Chaudhury was disappointed with his books—he was disappointed with his arguments. There was disappointment of one kind or another. But I am disappointed today with the arguments which are worthy of the reactionary of the worst type in this country that we should not send our boys to Europe for educational qualifications, as if India is an independent country, as if Sir Hari Singh Gour wants independence for this country; but he wants independence from educational opportunities, a sort of independence which even the Raja Bahadur deplures.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I had no intention to take part in the debate. The attitude of the Government will be explained presently by Sir Lancelot Graham. But we have had so much recriminations and the indulging in personalities that I thought I might bring the debate into more sober lines. There is no denying the fact that distinctions do exist in the legal profession. Mr. Amar Nath Dutt's intention is to have one uniform standard for all legal practitioners. Personally speaking, I am all in favour of the ideal. I should like to see an Indian Bar established in India on the lines of the Dominion Bars. What the qualifications should be is for the Bar to decide. It may be that English qualification will be taken *ipso facto* as a qualification for membership of the Indian Bar; but I should like to have one uniform Indian Bar. Nevertheless, we cannot shut our eyes to the fact that the distinctions which exist at the present moment are partly historical and partly inevitable. We have different grades of legal practitioners. Speaking of Bengal, for instance, I know there are at least four different grades of legal practitioners. There are the Barristers;

[Sir Brojendra Mitter.]

there are the Vakils; there are what are known as district court pleaders; there are the mukhtears and there is even another category below the mukhtears who are known as revenue agents. We have got all these different grades of legal practitioners. Their qualifications are different. Necessarily, a distinction has arisen. Personally, I think all distinctions ought to be done away with, because our Universities are producing graduates in law in such large numbers that we can have the whole of the Indian Bar manned by Indian graduates in law. But I am now on what actually exists. There is another reason for the distinction. As Honourable Members are aware, rules of conduct which regulate Barristers are different from, and of a higher standard than, the rules of conduct which regulate other grades of the legal profession. Sir Hari Singh Gour mentioned some: a Barrister may not sue for his fees, while all other legal practitioners may. A Barrister may not appear in any case without being instructed by an attorney or a pleader, but other lawyers may. This difference in the rules of conduct supports the distinction based on historical reasons. When Supreme Courts were first founded, there were no lawyers in this country and all the lawyers came from England; and the Supreme Courts exercised jurisdiction only over the Presidency towns, which correspond to what is now known as the Original Sides of the High Courts. The law that was administered was the English law. That is a historical accident. Gradually English Courts began to exercise jurisdiction over the rest of the province, outside the Presidency towns. Barristers acquired a monopoly on the Original Side, because it was the successor to the old Supreme Court, where they alone had audience. Sir, apart from historical reasons, there are distinctions which are inevitable by reason of the difference in the grades in the legal profession. We have got to face those facts. An ideal of an Indian Bar, with uniform qualifications and uniform privileges, is no doubt a laudable ideal, and, as I said before, I am all for it, but the question is, can we have that straightaway so long as these distinctions in the different grades of the profession persist? That is a matter on which the opinion of the legal profession and also of the litigant public would be of value. It is also a matter for consideration whether a question like this should not be left to the profession itself without any outside interference. When I say outside interference, I include interference even by the Legislature,—whether a matter of internal adjustment or internal structure of the profession should not be left to the profession itself. In England there is no interference by the Legislature. The profession regulates its own internal machinery. Sir, that is also a matter on which the opinion of competent authorities would be valuable. Therefore, I submit that this matter should be ventilated and opinions elicited from those competent to express them.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, the Bill which my friend, Mr. Amar Nath Dutt, has sponsored in this House is a small measure trying to remove certain distinctions which still lurk in the Indian Bar Councils' Act of 1926, and prominent among them are these two sections, section 9 and section 14, which make the Original Sides of the Calcutta and Bombay High Courts open only to Barristers, and, under certain circumstances, only to other Advocates of those Courts. It has been very well pointed out by the Honourable the Law Member that it is an accident of history that these two jurisdictions are open only to Barristers

Sir Hari Singh Gour If my friend will permit me, that is not the case now. The Original Sides of the Bombay and Calcutta High Courts are open to all Advocates.

Mr. Jagan Nath Aggarwal: Not to all; but, subject to certain conditions, they are open to other Advocates, but it still remains a close preserve. The point which I wanted to place before you, Sir, is that there are two Presidency High Courts, the Original Sides of which are open to Barristers only. That is an accident of history. Madras lawyers, indigenous lawyers, I may say of Madras, can very well appear in cases on the Original Side, and nobody has heard that Madras Original Side cases are not very well conducted by Indian-made lawyers practising on the Original Side. The point is, whether this distinction on the Original Sides of Bombay and Calcutta High Courts should be allowed to exist any longer. The point underlying is not that which my friend, Sir Hari Singh Gour, made that Barristers should be allowed to have pre-eminence which they have enjoyed all along with the robes which they are allowed to wear, and, that, unless that pre-eminence was allowed to them, there would be a great deterioration in the ranks of the legal profession. Sir, that argument was disposed of by my friend, Raja Bahadur Krishnamachariar, and what is more interesting, his own colleague, Mr. Ranga Iyer, opposed the argument of my friend, Sir Hari Singh Gour. Now, the point that remains is, not that we should not send our boys to England to qualify as Barristers, if some parents are so inclined to send them to England, by all means let them do it, but the question is, whether, by sending them to England, they should have any pre-eminence over people not only equally qualified or better qualified, and that point my friend, Sir Hari Singh Gour, has not met. Is there any point either in the accidents of history or in legal justification at the present day to make the Original Sides of the Calcutta and Bombay High Courts the close preserves that they have been for these England returned Barristers? The Bar Councils Act, 1926, has failed to achieve the object. The Original Side shall be open,—it is stated in the Act,—to such Barristers or to such Advocates for whom the rules provide, and so on, and the modest measure which has been brought before this House by my friend, Mr. Amar Nath Dutt, only seeks to remove that distinction, in that all persons who are enrolled as Advocates should be entitled to practise on instructions from Solicitors or without such instructions as the case may be, under the rules of Court, but that every practitioner should be entitled to practise there independently of the fact whether he is a Barrister or a Vakil. Sir, one might as well say that a Barrister as such has no status in these Courts. It is only by enrolment as an Advocate that he acquires a status to practise here. In fact, it was brought out in a recent judgment of the Allahabad High Court that no such thing as a Barrister is known in legal phraseology, and all that they know of is only a man possessing the necessary qualification and who is enrolled as an Advocate. Therefore, for my friend, Sir Hari Singh Gour, to cling to that distinction at the present day is really a matter for great regret. The Honourable the Law Member said that he was against all distinctions, in fact the current of Indian legislation has been all that way. The exalted office that my Honourable friend opposite (the Law Member) is holding would not have been open some years ago to an Indian Vakil, and it is now open to any person possessing the necessary qualification. The Chief Justiceship of High Courts was a close preserve of Barristers, and it is indeed a sorry spectacle that my friend, Sir Hari Singh Gour, should still

[Mr. Jagan Nath Aggarwal.]

stick to the last remnants of such privileges as were enjoyed by Barristers and thus try to turn the hands of the clock.

The whole point underlying this small Bill is that the distinction which has been sought to be maintained on the Original Sides of the Calcutta and Bombay High Courts should no longer remain, and, apart from the accident of history, there is no real justification for such an idea. We all know that the legal profession in this country is already overcrowded and is being reinforced in such large numbers that we must allow our own graduates and legal practitioners to avail of the fullest opportunity for employment and rendering service to the profession. I do not think it should be necessary for a man, who has secured all our degrees in law at the Universities, to be told that the Original Sides of the Bombay and Calcutta High Courts are the close preserves of Barristers who have returned from abroad and that holders of Indian degrees in law cannot practise on the Original Sides of these two Courts. Sir, apart from other things, it is very necessary that we should open these jurisdictions to men who have qualified themselves for the profession in this country. As things stand at present, though most of these distinctions have been removed, the only ones that remain in the profession are these two, in fact in several provinces most of these distinctions have already been removed. In our province, Sir, the two classes of legal practitioners, the mukhtears and revenue agents, have long ceased to exist, and there are now only the district court pleaders and the Advocates. That is all, and, among Advocates, the only persons who are entitled to practise in the High Court, are those persons who possess the requisite legal qualifications,—whether a man has qualified himself in India or is a Barrister, these are matters which hardly trouble our province. Therefore, I say, Sir, that in those two places, I mean in Calcutta and Bombay, where the close preserve is still maintained, the distinction which still exists should be removed. Sir, I support the proposition.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I was indeed surprised to hear the speech which my friend, Sir Hari Singh Gour, delivered on the floor of the House today. I never knew that, on his return from England, he has taken to the colour bar question. His idea of not allowing certain colours to Advocates of High Courts but to keep them as a close preserve for Barristers can only be regarded as a colour bar. Sir Hari Singh Gour tried to oppose the former Bar Councils Act and came in the way of Advocates as he says that he urged that there should be no uniformity in the different High Court practitioners and their rights. It is a matter of deep regret to some of us, professionals, who regard Sir Hari Singh Gour as our leader in the profession that he should have shown that temperament on the floor of this House again today. Sir Hari Singh Gour says: "Why put on these things which are foreign, why should Advocates of High Courts imitate the members of the European Courts, and why should we adopt things European?" Sir, it sounds so very anomalous, it sounds so very ugly and inconsistent that he himself, who puts on foreign dress and has taken to European ways of life, should come and say before this House that so and so dressed in such and such colour should be denied certain rights and entry into certain Courts. The chief principle of the Bar Councils

Act has always been to have uniformity, but here I find today Sir Hari Singh Gour saying that there should not be uniformity and that there should be a sort of differentiation and discrimination. He asked, what is the justification for this uniformity. My reply is that the Bar fraternity should be the guiding principle and nothing else. If Sir Hari Singh Gour were only to examine the slight change sought to be made by Mr. Amar Nath Dutt, he would find that it was simple, as has been explained by my Honourable friend, Mr. Jagan Nath Aggarwal. As a friend of mine once said that if bankruptcy were left to the Barristers alone, the Advocates of the different High Courts would not mind, but I do not see the reason for this bankruptcy displayed by a Barrister of Sir Hari Singh's eminence in not allowing the Advocates and other practitioners of the High Courts to enjoy the same privileges which, by their University qualifications and by competition in the country, they deserved. Sir, I support the motion.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): My Honourable friend, Mr. Azhar Ali, probably misunderstood Sir Hari Singh Gour to a great extent, and his whole speech was based on that misunderstanding. Sir Hari Singh Gour never said that he wanted to keep up the colour bar. He said to Mr. Azhar Ali that he had perfect liberty to keep his own colour; he does not want to change his colour. If Mr. Azhar Ali is not satisfied with his colour, let him do whatever he likes, but I thought that he must be perfectly satisfied with the colour that he possesses. Sir Hari Singh Gour does not want to change his colour in any way. The point is that the English Bar had enjoyed in this country certain privileges which were only natural. As long as we keep up a certain amount of distinctions in this country, there is bound to be a kind of distinction at the Bar also. Would it be right and proper if the Provincial Civil Service people began to come up and say: "Why should we not have the same privileges according to the seniority in our service in the Provinces over the members of the Indian Civil Service?" There is a distinction in this country between the Indian Civil Service and the Provincial Civil Service. People qualifying themselves in England enjoy certain distinction over the people here. The same is the case with the Indian Medical Service. They enjoy greater privileges than medical men from the Calcutta University, the Lucknow University and other Indian Universities. If you destroy all these privileges and nobody is to have any privilege, then I do not mind this privilege at the Bar also going the same way. The Bar must keep the distinction as long as the distinction is kept up in other spheres of life. If the Government agree to do away with the distinctions in all the All-India Services, I will have no objection to do away with the distinction in the Bar too. Why should not the Barrister keep up the privilege which he has enjoyed in the past? The only thing that my Honourable friends may say is that they must better their lot. But they want to pull down others that have been enjoying this privilege. If I find that the spirit of what my Honourable friends want is that they want to enjoy the same privileges which the Barristers enjoy, I have nothing to say to that, but they want to pull them down.

Raja Bahadur G. Krishnamachariar: That is because of the admittedly low qualifications that Sir Hari Singh Gour said you had.

Mr. Muhammad Yamin Khan: I will deal with that point later on.

3 P.M.

I am at present dealing with one point. I do not agree at all with Sir Hari Singh Gour when he said that the Barristers had lesser qualifications than the ordinary I.L.B. in India. There is no comparison when he says that the examination in England is easier than the examination in India. There may be certain difficulties in the way the examination is being conducted here. There may be people who are not properly trained in the principles of law, but to say that the law taught to a Barrister in the Inns of Court is inferior to the law which is taught in an Indian University for an I.L.B.—I contest that statement. Certainly there is facility given in the Inns of Court to pass the examination in each law separately in the Preliminary, but in the Final Examination I have seen for myself candidates, who had passed the I.L.B. with great credit, failed three or four times in the Final Examination of the Inns of Court. I shall be the last to object if my Honourable friend wants that the same facility should be given here to pass the I.L.B. examination, but it is not right for Sir Hari Singh Gour to say that after the completion of the examination there is any inferiority in education on the part of the Barrister. People are allowed to enter the Inns of Court when they are not so much qualified as here. Here one must be a graduate before one could take up the I.L.B. course. In England, that is not necessary. But in 1912, a rule was made by the High Courts that they would not allow anybody to practise in India unless he had entered the Inns of Courts after graduating himself. An Indian, if he wants to join the Inns of Court, has either to be a graduate or he must have taken some kind of educational qualification in England. The Indian students started an agitation saying that, when an Englishman could enter the Inns of Court after passing a preliminary examination, the Indian also should be allowed the same facility. Now, if an Indian passes the same examination as an Englishman, he is allowed into the Inns of Court, but, if he goes merely on his Indian qualification, he must be a graduate of an Indian University before he is admitted into the Inns of Court. Again, the High Courts have made a rule that unless a man, after being called to the Bar, practises for a certain period with an English Barrister and works with him in his chamber for one or two years, he will not be allowed to practise before the High Court. This is a further qualification. Sir Hari Singh Gour may probably be speaking of the time when he was called to the Bar, but, as regards people who are called to the Bar now, I can say that I have seen some brilliant students, who had passed the I.L.B. with great credit, have made a very poor show when competing with the people from the Inns of Court in England. As regards the educational qualification, I do not want to take a solitary statement of my friend, Sir Hari Singh Gour, and the Raja Bahadur and catch them on a weak point of their arguments. That may be a slip of the tongue. They may have never meant that. What is it that you want? Do you want to wear the same robes as the English Barristers? Is it so attractive?

Mr. Muhammad Azhar Ali: I want to wear the same gown as the Advocates of the High Court.

Mr. Muhammad Yamin Khan: You are quite at liberty. The point is that the Barrister is allowed to wear the gown which he wears in England. That is the only distinction. If I am entitled to be enrolled here as a

Barrister of England, I have every right to wear that gown. Why should you wear the same gown? That is a flimsy argument. That argument may appeal to my friend, Mr. Joshi. He is a labour leader. Why does he not come to this House in a loin cloth? He is a representative of labour. Why is he dressed differently from a labourer. That is not a proper argument. The Barristers have made a mark in the country. Some people want to take advantage of the credit which the Barrister enjoys in the public mind. You want to take up all the advantages of the Barrister without acting up to it. There are Barristers who would not accept below a certain fee. They cannot sue for their fees. Are you prepared to take up all the disadvantages also? You only want to pull the Barrister down. What is the real charm about the neck ribbon. It is only to mark the distinction between a man who is educated in England and a man who is educated here. The gown can only show this and nothing more. But for this, the privileges are just the same and there is no distinction. There are some people who have made a great name in the Indian Bar, men like Sir Tej Bahadur Sapru, Pandit Motilal Nehru and Sir Sundar Lall in the Allahabad High Court. But all members of the Indian Bar cannot claim to be of the same standard. The gown has not made a distinction in the case of Sir Tej Bahadur Sapru, who has made a name by his brain, his ability, his character and his knowledge. Other people can also rise and work up their way. Undoubtedly the members of the English Bar have kept up a certain tradition. Why should they be debarred from carrying on those traditions? Why should the Barrister be compelled to wear the gown which you wear or why should you wear the gown which the Barrister is entitled to wear? This distinction exists even in England. An ordinary member of the Bar has got a particular kind of gown. When he becomes a K. C., he gets a different kind of gown. It is the qualification which changes the dress.

Mr. O. S. Ranga Iyer: May I ask my Honourable friend whether he has any objection to Vakils wearing bands?

Mr. Muhammad Yamin Khan: I have not the slightest objection. They may do it. If they want to wear red gowns, they can do so. If they want to wear *chughas*, I have no objection. What I deprecate is the spirit that is embodied in this motion. It is bad. I am entitled to wear here the robe which I am entitled to wear when I go to an English Court. I am entitled to practise in the Privy Council. Then I can carry the same gown with me and I do not like to be forced to wear the gown which I am not accustomed to wear. Sir, I do not agree with what my Honourable friend, Sir Hari Singh Gour, would seem to like, namely, that the education of our boys in England for the Bar may be stopped. I know that there are lots of students who simply waste their time and money, but certainly there are heaps of others who certainly have done great credit to themselves like my friend, Sir Hari Singh Gour. My friend says that the boys mostly waste their fathers' money and waste their own time, but if Sir Hari Singh Gour had not wasted his time and money, then how should we have got all those valuable books—the Indian Penal Code and other such books and his latest books which he has written on the transfer of property—and his books on Hindu Law, and so forth—which are a great asset? Sir, I do not agree, and here is an example which can falsify all his own arguments. Now, our boys who go there bring out with them new ideas, they get good education, they live in a civilized world, in fact the mere living in England is certainly far better and more profitable than living in an Indian village.

[Mr. Muhammad Yamin Khan.]

Sir, if you compare boys who have lived for three years in London with those who live in Indian villages and think of the broad vision and knowledge and wider outlook which the boys who have lived in England acquire, you will see the difference. It may be expensive, that may be very true, but at least such boys bring out with them new ideas which cannot but be eventually useful to them to help towards the achievement of progress in this country. All that will be put a stop to if we stop these boys going to England to acquire legal education. Moreover, there must remain some kind of temptation for these boys to go and be educated in England and thus continue to bring out new ideas with them. (Hear, hear.) There may come a time when you will not require them to go to England, but, in the present state of our country and, in the interest of the further progress of our country, you must send out boys to imbibe useful things by their residing in an advanced and civilized country, and I, therefore, oppose the Bill.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, it is with some trepidation that I enter this arena where so many professionals are already engaged. My experience, Sir, of this debate has been that each speech has been more provocative than the speech which went before it and, as an amateur, I am distinctly apprehensive of what I might say and I shall, therefore, make every effort to put a bridle upon my tongue. As one, Sir, who has had the privilege of being called to the English Bar, I trust I shall find favour with the Barristers; and, as one who has never practised in any Court, on the Original Side or on the Appellate Side, I trust I shall find favour with the Vakils.

Now, my learned friend, Mr. Amar Nath Dutt, first sponsored this Bill as far back, I think, as 1929. Having succeeded in introducing his Bill, he then put down a motion, if I am right, either for consideration or for reference to a Select Committee—one or the other; and the Government, considering that the matter required further ventilation, put down an amendment for circulation,—and this little game went on for a great many Sessions. My learned friend refused to learn prudence, and on each occasion I put down a motion for circulation. Now, I can congratulate my learned friend on learning prudence: he himself has put down a motion for circulation. That being so, no amendment is left for me to put down at all. Consequently, I have much pleasure in announcing that the attitude of Government will be to support the motion for circulation. At the same time, I would like to make a few remarks about the Bill, because Government are not altogether happy about this Bill. They anticipate that very serious objections are likely to be adduced against it. The Act, as it now stands, Sir, vests certain discretion in the Bar Councils and, in certain matters, again, vests discretion in the High Courts of Calcutta and Bombay. What we feel is that we are by no means satisfied that this discretion in either case is not well vested. We are inclined to think that Mr. Amar Nath Dutt and those who support him would be better advised to persuade the High Courts of Calcutta and Bombay to modify their rules, and even to follow the example of Madras. Our point is that this can be effected without a change in the law, because it is not the law itself which imposes this distinction against which my friend, Mr. Amar Nath Dutt, is rebelling; as I say, it appears to me that his proper forum is not this House, but the High Courts. At the same time, we do not feel that that is a final objection or that that will be a ground on which we should oppose the motion for circulation. We do think it is of the utmost importance that Bar Councils

and the Judges and the representatives of the profession should be able to give their views on this subject and it is, therefore, that we do agree to this motion for circulation.

Now, there are one or two other points in the debate which I should like to touch upon. Now, before I leave that subject, I said I thought that the discretion in the matter of appearance on the Original Side was properly vested in the High Courts of Calcutta and Bombay. Now, I think there are real facts to be cited in support of what I have said. My learned friend in front of me assures me that in Calcutta there are no less than 200 Vakils who are practising on the Original Side and, therefore, in all practical matters they are in precisely the same position as any English Barrister. Similarly, I know that in Bombay, the Right Honourable Sir Dinshaw Mulla was admitted as an Advocate in the old days when the Advocates were made by the High Court and consequently was allowed to practise on the Original Side. Another example I might cite is that of the present Advocate General of Bombay, Sir Jamshedji Kanga. I am, therefore, inclined to think that this discretion which is now vested in the High Courts, under sections 9 and 14, is very fairly exercised by the Judges, and that my Honourable friend has no great ground for complaint; but, as I said, we are prepared to let the matter go into circulation.

My Honourable friend, Sir Hari Singh Gour, was, I think, quite unduly provocative. In the first place, he accused me of wrecking the Bill which was going to make him a K. C. Sir, it was very pleasing to me to have omnipotence attributed to me, and I wish I was omnipotent in this Assembly but, in the case of that particular Bill which had been in circulation, the opinions elicited in circulation were overwhelmingly against the proposals of the Bill and it was rejected without division. I cannot help being reminded, Sir,—when I saw Sir Hari Singh Gour's disappointment over the matter of the Bill for making Indian K. Cs. and when I find him, as a result of that disappointment over the right to be made a K. C. not being granted, disclaiming all the privileges of Barristers—I am reminded of a fable—I think in Aesop's—which related to the fox and the grapes. There is one other point I wish to make. Sir Hari Singh Gour having submitted himself to the examination for the Bar arraigned against what he considered to be a too low standard. I would remind my Honourable friend that since he went up for that examination—I will not say whether it is a case of *post hoc* or *propter hoc*—these standards have twice been raised and now I believe that quite a number of candidates are unable to pass. I trust I have said nothing provocative, nothing which will prolong this debate unduly and that I have made it plain that Government, in acceding and supporting the motion for circulation, are not at the same time deeply impressed by the merits of this Bill.

Mr. A. Hoon (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, being a member of the English Bar myself, I feel some hesitation in speaking on the subject. If Mr. Amar Nath Dutt had entertained a part of the delicate feelings which are now in my mind, I daresay he would not have sponsored this Bill. Speaking on this Bill, one cannot help being dragged into a discussion to compare the merits and demerits of the two branches of the profession. As I do not like to blow my own trumpet, I feel some hesitation in speaking on this Bill. Sir, the Vakils Advocates who have spoken on the subject have, I regret to say, unnecessarily accentuated the distinctions which are now said to exist between the two branches of the profession. Really, what used to be

[Mr. A. Hoon.]

an eye-sore to the Vakil Bar originally was the privilege of the Barristers to be able to appear in a case without a *Vakalatnama*, although, in the Calcutta and the Bombay High Courts, there were some other privileges also which the Barristers enjoyed for appearing on the Original Side of the High Court.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

But, Sir, since the passing of the Indian Bar Councils Act, fresh rules have been framed by the various High Courts and, as far as I understand, the great eye-sore, that is, the privilege of the Barristers to appear in a case without the *Vakalatnama*, has entirely been taken away. Besides that, a large number of the members of the Vakil Bar have been made Advocates in Calcutta and Bombay by virtue of which they have got the privilege of practising on the Original Sides of their High Courts. In the province from which I come, that is, the United Provinces, we have got absolutely no distinction between Vakils and Barristers, because we have got no Original Side in our High Court. I believe that the distinction, if it ever existed in other provinces, is practically extinct now. There is no distinction, as we are told by Mr. Aggarwal, in his province either. Now, since the distinction of reserving the work on the Original Side of the High Court for Barristers has been done away with and, since the distinction of exempting Barristers from using the *Vakalatnama* has also been done away with,—to the great loss of the country in general,—I submit, it is really serving no useful purpose to bring forward a Bill of this kind. I regret that the Government have announced their policy that they are not going to oppose the circulation of this Bill. As Sir Lancelot Graham has very lucidly mentioned just now, no fault is to be found with the present Bar Councils Act and if there is any grievance of any kind, which, of course, I have not been able to find, it can be removed entirely by the rules which are framed by each High Court.

Now, Sir, it is common knowledge that rules were framed by the Bombay and the Calcutta High Courts recently and it is also common knowledge that the majority of the Indian Judges in both these High Courts are recruited from the Vakils. Under those circumstances, I do not see any reason why my friend, Mr. Amar Nath Dutt, who himself belongs to the Vakil Bar, should have any grievance at all against the Act itself. Something has been said with regard to the merits and demerits of the two branches of the profession, but I do not wish to say anything on this subject, because it is a delicate one. But I cannot help remarking and I wish to draw the attention of my friends, especially those who are members of the Vakil Bar, whether it is a fact or not that most of the leading Vakils send their sons to England to qualify themselves as Barristers. Now, if Mr. Aggarwal says that those boys are not fit for anything else, then I do not think he is throwing much credit on his own branch of the profession. Then, Sir, I hope my friends of the Vakil Bar will excuse me when I say—and I say this from my own personal experience—that if any Vakil is by mistake addressed as a Barrister, the writer is never corrected, but if a Barrister is addressed as a Vakil, we promptly set the matter right. What is really the cause of envy between Vakils and Barristers, I leave for the House to judge. In conclusion, I submit that no case has been made out; since fresh rules were made in

1927—as mentioned by Sir Hari Singh Gour,—why fresh opinion should be sought on the subject and no case has been made out to show what actually are the grievances of the members of the Vakil Bar at present. With these remarks, I oppose this motion.

Mr. B. R. Puri (West Punjab: Non-Muhammadian): Sir, I happen to be a Barrister, who at one time during his career crossed the seas and passed what has been described as an “easy examination”. So far as the relative merits of the two branches of the profession are concerned, I am precluded from saying anything inasmuch as I am an interested party. I would only confine myself to saying this much that there have been some very honourable and outstanding personalities amongst the Vakil Bar and equally, I think it would be conceded by my Honourable Vakil friends here, that there have been some really brilliant and equally able men amongst the Barristers. (*An Honourable Member*: “Exceptions.”) I would prefer to say “equally” and would not like to say more. It would be idle on the part of one section to run down the other, because, as a matter of fact, each party could claim men amongst their own ranks who would be models to the legal profession.

Now, Sir, so far as the issue before the House is concerned, I was surprised when I heard the observations of my Honourable friend, Sir Hari Singh Gour. Sir Hari Singh Gour's speech has pleased nobody. He has estranged the feelings of the English Bar section as well as of the Vakils. He has run down his own colleagues, the Barristers, and he has claimed certain privileges at the same time on their behalf which the Vakil section are not in a mood to concede. He has been attacked by both sections and very rightly too. Speaking for myself, I am not prepared to accept his dictum with regard to the merits of the Barristers. His remarks might be applicable to some of them and they might equally be applicable to certain members of the Vakil section. But it does not follow that the Barristers as a class are an incompetent lot or that they are not properly qualified people. As I have already submitted, I have no desire to make any distinction between Barristers and Vakils, but, as a practical test, I would ask Honourable Members just to mark the spirit in which speeches were made by the Barrister Members today on the present measure. Now, whether it was a speech of my Honourable friend, Mr. Moon, or that of Sir Lancelot Graham or Mr. Yamin Khan, I do not think there is any Honourable Member who could accuse any of the Barrister speakers today of having used any disparaging remarks about the Vakils. On the other hand, the speeches of such stalwart Vakils as my Honourable friend, Raja Bahadur Krishnamachariar, they were really stinking in the sense that they were highly sarcastic, damaging and disrespectful to the Barrister section of the profession, and if the House wants to find out the real distinction between a Barrister and a Vakil, here is a practical demonstration of it. That is the real difference between a Vakil and a Barrister. The Barrister has got a sense of proportion, a sense of moderation and a sense of delicacy which, I regret to say, was found wanting in the speeches made by the Honourable Members belonging to the Vakil fraternity.

Mr. S. G. Jog: The Raja Bahadur has ceased practising long ago.

Raja Bahadur G. Krishnamachariar: I never wanted to say anything against any Vakil or Barrister. I was referring to the complaint that,

[Raja Bahadur G. Krishnamachariar.]

notwithstanding the fact that their qualifications were low, they were denied the privileges which my Honourable friend, Sir Hari Singh Gour, resented. I said, very well, you cannot have it both ways. That is all I said.

Mr. B. R. Puri: I thank you very much. I know Dr. Gour's role in this matter has been that of an approver. My Honourable friend, the Raja Bahadur, as a very shrewd and clever member of the profession, has made full use of the evidence of the approver against us. Whatever it may be, the present trouble appears to be that the Barristers dress in a particular fashion which gives them a certain advantage over those who are not permitted to dress in the same style. That seems to be the whole trouble.

Raja Bahadur G. Krishnamachariar: It does not obtain in Madras.

Mr. B. R. Puri: So much the better, because, then, as far as Madras is concerned, this Bill is not needed.

Raja Bahadur G. Krishnamachariar: Quite so.

Mr. B. R. Puri: With regard to the rest of the country, it appears that the sole thing which is troubling the Vakils is the gown and wig of the Barrister. Why should such a desire at all arise in their minds? Why should they wish that the Barristers should not put on their own gown and wig? Evidently the Vakils think that this distinctive dress gives the Barristers a certain advantage over the Vakils. If a Barrister enjoys a certain advantage over a Vakil merely by dressing as a Barrister, then what becomes of the charge of incompetency levelled against the Barristers by the Vakils? On the one hand the Vakils say that the Barristers are an incompetent lot, and yet, on the other, they want to imitate their dress and want to appear in the public as if they were also Barristers. Is it not an admission of Barristers' superiority?

Mr. S. G. Jog: Artificial.

Mr. B. R. Puri: If a Barrister does not possess the same high standard of education and professional ability, then it is obviously to the advantage of the Vakils that he should continue to appear as a Barrister and not permitted to conceal his identity. This would be to the advantage of the public also. Now, Sir, suppose the gown or the wig were abolished, what would be the position? Suppose, all sorts of gowns and academic robes were altogether done away with. Then our Vakil friends imagine that the Barristers and Vakils would be brought on the same level and they will look alike, but that is a mistake, for you will still be able to tell a Barrister from a Vakil. Next time, my Honourable friend, Mr. Amar Nath Dutt's proposal will be that since Barristers are in the habit of dressing themselves better than the Vakils, there should be passed a Bill compelling the Barristers not to dress beyond the Vakil standard so that they may not enjoy any undue advantage over the Vakils. Mr. Amar Nath Dutt may even go the length of saying that the Barristers, who are comparatively more tidy and clean, should be made to give up these habits which are likely to put Vakils in a position of disadvantage. This reminds me, Sir, of a little story. There was a certain colleague of mine

who happened to belong to the Vakil section and he was appearing with me in a particular case. I was engaged at a later stage of the proceedings and not having gone through the record, I was naturally not well posted with the facts of the case. So, I had to appeal to him for assistance and I asked him for his notes which he had prepared after going through the records. But he seemed to hesitate at first and later on, he refused. I felt a bit awkward, as the case was likely to be called after a short time. When suddenly an idea occurred to me. My Vakil junior had remarked about the presiding officer (an I.C.S. Englishman) being a very short-tempered man and that lately he always found fault with him on some score or another. So I took the clue from that and turned round to him and said: "Do you know why he is particularly rude to you and not to others?" He began thinking, and then I told him: "The real thing is that you do not know how to appear in Court. For instance, one day you appear in a dirty shirt, the next day you come in with dirty collar; some day you are shaved and some day you are not shaved at all. Such slovenly ways upset these European Judges. Now, look at your beard, for instance, this morning. You don't seem to have shaved yourself for the last three days." He said: "Is that so? Does a Judge get annoyed with a lawyer if he is not properly shaved?" "Of course" I said. "But there is no time for me to get a shave now." I said: "Don't worry, I will shave you". I took out my razor and I began to shave him. When it was half done, I told him I could not complete his shave as I wanted to see his notes before going further. Needless to say, he placed all his notes at my disposal rather than appear in Court with only half of his face shaved. (Loud Laughter.) There is a practical side to everything and this was a practical way of dealing with the problem. (Loud Laughter.)

Now, Sir, I think these are matters too petty to require legislation. If a Barrister is superior, in spite of your trying to denude him, his superiority is bound to assert itself in some form or other. And if he is an incompetent man, let him continue to appear in the public in his badge and robes, so that there is no mistake about his identity.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Mr. Deputy President, I confess I must have missed a great treat this morning by not being in my seat at 11 A.M., because I find from the references now made that quite a lot of things were said at the expense of the members of my profession, I mean the members of the English Bar.

Mr. Amar Nath Dutt: I did not say anything against you.

Mr. Muhammad Anwar-ul-Azim: From a cursory perusal of this small Bill, it would seem that he is up in arms against a class of people who have given a great and good account of themselves in the progress and the gradual development of this country. If my Honourable friend, the Mover, had taken a little trouble to know how the members of the English Bar began to practise in this country, he would have been saved from a lot of troubles, he would have known that, with the starting of the East India Company after the changing of the Government in the middle of the 18th century, there used to be two kinds of Courts of jurisdiction, specially in the province of Bengal, known as the Sudder Diwani Adalat and the Sudder Nizamat Adalat. Sir, you will remember that the local people were allowed to practise through the medium of a

[Mr. Muhammad Anwar-ul-Azim.]

language called Persian. And, then, gradually as *bonhomie* started to take a deeper form and when the East India Company started to spread their control all over India, the time became opportune for allowing certain members of the English Bar to practise there. Even members of the Bar from the Inns at Dublin and Scotch Advocates were allowed to come in and practise in the High Court of Judicature at Calcutta. And it was not a favour. It was out of necessity. If the Government of India of this day had any hand in controlling the policy of that ancient time, perhaps they would not have allowed that, because it seems from the tenor of the arguments put forward by Government speakers that they are in an inordinate hurry to placate the Vakil class as a whole. So you will notice that if there was not an advent or an inrush of some of the members of the English Bar in the beginning of this necessity, there would not have been a class of people living in this country known as members of the English Bar or commonly known as Barristers. That is the genesis, and, besides, the Barristers had a very ancient tradition, dating from the time of the Crusades; and gradually Government have been trying in all ways to placate the Vakil opinion and changes have been brought in by these so-called reforms emanating from 1921 and that very rapidly. Now, there is hardly anything left to differentiate a member of the English Bar of ten years' standing and a Vakil of the same standing, at least in the High Court of Calcutta; they wear the same kind of gown and the same kind of band, which were originally the monopoly of Barristers. Therefore, so far as the decorative part is concerned, my Honourable friend, Mr. Amar Nath Dutt, ought not to have any grouse or grievance now. The unification is there already.

Then, I am told that he tried to wax eloquent at the expense of the members of the English Bar saying that they were an incompetent lot . . .

Mr. Amar Nath Dutt: I did not say anything like that. It was Sir Hari Singh Gour, himself a Barrister, who said all that. I simply asked for my Bill to be considered and nothing else.

Sir Hari Singh Gour: My friend has imputed to me a statement which I never made. (Laughter.)

Mr. Muhammad Anwar-ul-Azim: In any case, from the speeches of my friends who followed after 3-15 P.M., I gather that there was a general charge against the members of the English Bar. It is rather unfortunate, Sir, that we should be called upon to explain ourselves on the floor of this House. It becomes rather difficult, but, in any view of the matter, Mr. Amar Nath Dutt must know this that the present Law Member and Leader of the House was at one time of his life a Vakil and, later on, he joined the English Bar and became a Barrister. And the incoming Law Member of the Government of India, who is at present the Advocate General of Bengal, was at one time a Vakil and, later on, became a member of my profession. So, if the members of the English Bar were so hopelessly placed in the eyes of everybody, I am certain, these Honourable gentlemen would not have taken recourse to this, and they would have contented by only being Vakil. They are our ornaments.

Then, Sir, from a cursory reading of the Statement of Objects and Reasons, it appears that Mr. Amar Nath Dutt's idea is to unify the Bar as a whole. Sir, I have a fairly good acquaintance with the Bar in my

part of the world, and there is no love lost between a member of the English Bar and others who belong to our Bar Association. As a matter of fact, members of my profession have been given the place of honour wherever they have gone and wherever they have appeared. Mr. Deputy President, as a Vakil yourself, you must have noticed the restrictions which the Universities are now putting, specially the Calcutta University, with which I am very intimately connected, on the pleaders. I can tell you that they are considering very seriously whether they ought not to devise some means by which the inrush of these B.L.'s and M.A., B.L.'s could be stopped by a salutary method for the good of all concerned. The practice now obtaining in my part of the country is this: even a first class M.A., B.L., when he comes out of college, has got to be on probation for at least one year with a senior member of the Bar of 10 or 15 years standing, and, then only, he is given his *sanad*. If everybody passing the B.L. examination were so clever, I am certain these distinctions would have been taken away. But this is by the way. In bringing my remarks to a close, I should like to say this much, that the Government have met the Vakils too much and I think it is high time that they cried a halt; and if things are allowed to drag on like this and go further, I am afraid, the English Bar will not let it lying down. Indian Members of the English Bar must be graduates now, and the change came up from 1912. There is hardly any Indian Member of the English or Irish Bar who is not a distinguished graduate of an English University at the same time.

Some Honourable Members: The question may now be put.

Sardar Sant Singh (West Punjab: Sikh): Sir, I had no intention of intervening in this debate, but I find that a simple question of principle has been made a personal question with the members of the Bar who have been imported from a foreign country. The principle involved in this Bill is that the status of those who have learned their lessons in law in Indian Universities should be the same as that of those who, on account of their incapacity to pass the stiff Indian examinations, were sent by their rich fathers to study in a foreign University, to join in the social circles there and, after three years course, enjoying twelve dinners, come back and pose as Barristers. My submission is that our Barrister friends have taken a very great pride on this question that they know better manners, that they dress more decently, that they are clean shaven and such like superficialities. I am quite prepared to concede some of these qualities to my Barrister friends, because, having gone to the country after whose fashion they are dressing and living, they must of necessity be better than those who have not had that advantage. But if an expenditure of about Rs. 60,000 on their education brings them this much, I congratulate them on their good luck. If they have qualified themselves to wear imaginary yarns, I congratulate them on that too. But when they come here and say that they are practical men, I must give a story and an illustration

Mr. B. R. Puri: May I for the information of my Honourable friend state that my story had no reference to my Honourable friend?

Sardar Sant Singh: May I, for the information of my Honourable friend, state that my story is going to have direct reference to
 4 P.M. him? (Laughter.) I am going to give an instance of how their practical wisdom works in actual life. After his first Session in

[Sardar Sant Singh.]

this Assembly, Mr. Puri went to Lyallpur to conduct a case. It happened to be the first of April and, after consulting my friends in the profession there, we agreed to give him a good reception and entertainment. We arranged for a dinner to which my friend readily agreed and what happened there is well known to him: the story is well known in our part of the country; persons were invited, dishes were laid; a *shamiana* was put up and a side tent was also put up where a person continued hammering on some plates so that the actual reception may not be known. My friend made a speech, but found no tea or dinner or garden party; and he ultimately discovered that it was the 1st of April. If that is the sort of practical sense and practical wisdom possessed by the Barristers, I congratulate them upon it.

As regards legal ability, I may point out one thing which is well known in our part of the country. If a Barrister is able, hard-working, if he studies his case and is honest just like Mr. Puri, we call him a *Vakilnama* Barrister—a Barrister who works like a *Vakil*. But if a *Vakil* does not work, does not study his case comes unprepared to Court, we call him a Barrister *nama Vakil*. In another province, in Sind, I am told that they are called tin Barristers, because they only imitate the *Vakils* knowing very little of law and procedure: it is not their fault, of course, because, in England, they learned English Law, and, when they come to India, they have to study the Criminal Procedure Code and the Civil Procedure Code which are a bit different from the English Law. Our position is this: that apart from outward formalities we want equal opportunities for those who have studied law in this country. We do not want to import foreign institutions; we do not want to import foreign manners; we do not want to import foreign methods in our system of jurisprudence. Therefore, I would appeal to the House that this Bill only aims at removing the distinctions between Barristers and *Vakils*. I will appeal to Barristers that, if they were the first pioneers in nationalism, as pointed out by my friend, Mr. Ranga Iyer, and if they were pioneers in other matters, we appreciate their services, we honour them for that; we honour all the noble souls who have had their education in England and yet remained Indian in heart, Indian in manners and Indian in their outlook. We have great respect for them; but those who have not yet learnt to love India, who carry with them the extra-territorial outlook taken up in the company of English people, we certainly have a right to legislate on those lines which should enable them to get rid of that outlook. Therefore, I support the principle underlying the Bill.

Mr. Amar Nath Dutt: Sir, when I made this motion for circulation of my Bill, I little thought that the debate would proceed to such lengths and generate so much heat between two sections of the same profession, and even such amiable Members of this House like my friends, Mr. B. R. Puri and Mr. Hoon, could not restrain themselves, and attributed motives to all others who did not belong to their class, and this I never expected of them

Sir Muhammad Yakub: Why do you consider them docile?

Mr. Amar Nath Dutt: Sir, I have heard the Honourable the Law Member, and I must admit that although his speech was non-committal, it was not very much hopeful from the tenor of his speech. If his speech

was non-committal, my friend, Sir Lancelot Graham's speech was clear, and I knew it would be so. I shall now begin by replying to some of the observations of my friend, Sir Lancelot Graham

Mr. Muhammad Yamin Khan: He made no observations against you.

Mr. Amar Nath Dutt: Nor am I going to make any against him. He said that certain discretions have been given to the High Courts and to the Bar Councils and asked why we should bring in this matter here for legislation. Sir, I do not know whether he has intimate knowledge of the High Courts. If he had, I think he would not have asked me to depend upon the discretion of a body of men who are more Barrister-ridden than Vakil-ridden. It may be said that there are also Indian Advocates in the Bar Councils, but, as has been pointed out by my friend, Mr. Hoon, even leading Indian Vakils send their sons to England, and in this will be found the reason for the preponderance of Barrister-opinion in the Bar Councils. If there are any members in the Bar Councils who are themselves Vakil-Advocates, then I say, as an inquiry will prove, that they are about to retire from the profession, while they have their own sons who are members of the English Bar. After all, blood is thicker than water. When he himself wants to retire from the profession, he naturally is anxious to turn his eyes to his children. I shall not enter into personalities in this matter, because it will not be pleasant, and probably it will be saying something about friends and men whom I revere, but I think younger men than myself like the Leader of the Democratic Party over there knows better as to why a measure like this had to be brought here by me. I think my friend, Sir Lancelot Graham, who is the friend, philosopher and guide of the Government in this matter, knows very well as to what reasons prompted me to bring forward this measure in this House.

Sir, it has been said that there are 200 Advocates practising on the Original Side and that the rules have been fairly exercised by the High Court. That is what my friend, Sir Lancelot Graham, said, and, therefore, he observed that he was not deeply impressed, but is he not aware of the conservatism of the High Courts? Long, long before the Bar Councils Act came into operation or it was even dreamt of, other High Courts had Advocates enrolled from amongst the ranks of the Vakils, but even such an eminent jurist as Rash Behari Ghose was not made an Advocate in the Calcutta High Court. That shows the conservatism of the Calcutta High Court.

An Honourable Member: All that has changed now.

Mr. Amar Nath Dutt: Then, my friend, rather my Leader, because when I said my friend I remembered that he was my Leader, I should not call him my friend, but I should call him my Leader

Sir Muhammad Yakub: He is your Leader and not your friend?

Mr. Amar Nath Dutt: He may be my friend, but he is my Leader also.

Mr. B. B. Puri: He is a Barrister

Mr. Amar Nath Dutt: My Leader, Sir, said something as to why this distinction should exist and that Barristers should be made K. C.'s and to keep the distinction on,—not that he would come down to the position of an Indian Advocate, but he would go up. In this connection I am reminded of a story about certain members of a certain caste. That caste wanted to dine with my caste fellows

An Honourable Member: Which caste?

Mr. Amar Nath Dutt: Kayastha.

An Honourable Member: Which was the other caste?

Mr. Amar Nath Dutt: That was a bit lower in the social scale, and when a member of that higher caste was told to dine with members of the lower caste, he said that others lower than him should also be allowed to dine with them. Then he said: "No, no, I want to go up, and not that people who are lower than myself should come up". That is practically what was in the mind of my friend. Let the Advocates be there; let us go up and let us be lifted to the seventh heaven by being made K.C.'s. Sir, I say, this is hardly the proper attitude to be taken in this 20th century. When my friend, Mr. Puri, began to address the House, I thought he would be fair, because he began not in the strain of my friend, Mr. Anwar-ul-Azim, who began kicking from the very first this humble individual, who is now speaking, without knowing what he said, because, when he got up, he began with kicks and he also ended with kicks which I hardly deserved. If he had listened to what I said, he would have known that I had not even uttered the word Barrister, and, perhaps, if he had heard me fully, he would have restrained himself and his wrath against me.

Then, my friend, the Law Member, was pleased to remind us of certain distinctions which he called historical and inevitable. Herein lies the clue to the mind of the exponent of the Government. Inevitable? Why inevitable, pray?—I do not know. The reasons are historical, and that history has been repeated here again by my Honourable friend, Mr. Anwar-ul-Azim, thinking that probably we, humbler folks, do not know how the Supreme Court and the Sudder Diwani Adalat and Sudder Nizamat Adalat were converted into the present day High Courts. I think my knowledge of history and the knowledge of those who had to pass the B.L. examination in these matters at least are superior to that of any member of the English Bar who attends 12 terms, eats dinners and comes out as a full fledged Barrister.

Mr. A. Hoon: May I correct my Honourable friend? It is not a fact that in order to qualify as a Barrister, you have only to attend dinners and then you get a call to the Bar. You have got to pass a number of examinations which are really very stiff.

Mr. Amar Nath Dutt: I am reminded that the examinations are very stiff. If they are stiff, I am very glad. I do not wish to rake up this matter once again to rouse the wrath of my Honourable friends like Mr. Hoon, Mr. Puri, and Mr. Anwar-ul-Azim. I appreciated Mr. Yamin Khan's speech more than that of any other Barrister, because he was more kind than anybody else. I remember a gentleman who got plucked in the

Entrance Examination of those days four times, but he was sent to England and came out as a Barrister. I also remember, the first Indian gentleman, who was called to the Bar, was not a graduate of an English University or an Indian University. He was Mr. Gnanendra Mohan Tagore. He never practised. The next Indian gentleman was Mr. Man Mohan Ghose, a man of pre-eminent ability and distinction. Then, we also know several others who could not pass certain examinations here and, as has been said, were sent to England by their rich fathers and came out as Barristers.

My Honourable friend, Mr. Puri, has seen a motive in my Bill. He says that we want to mislead the people by showing ourselves off as Barristers. He is an able criminal lawyer, and he cannot forget motive; motive is always in his brain. He thinks of motive, because he always has to deal with hardened criminals who have motives. He might have been a little more charitable to that humbler class of practitioners who belong to the same profession. If he will read this Bill in calmer moments and with a little sober judgment, he will find what this Bill means. This Bill wants to do away with all distinctions amongst a certain class of practitioners in India. Unfortunately the Bar Councils Act, which was intended to bring about a United Bar, gave certain powers to the High Courts and to the Bar Councils which are dominated by a particular class of practitioners, which were used to the best advantage of that particular class giving rise to distinctions which ought not to be there. Our submission before the House is this, that the highest class of practitioners who have the same rights and privileges should, if they want to, practise in Indian Courts—certain qualifications may be prescribed for them before they are enrolled, but, as soon as they are enrolled, they must be one and the same body, not that those who are Advocates of Scotland or Ireland will dress in a particular manner, those who are called from the Inns of Court will dress in another manner, those who come from the dominions and Ceylon will dress in another manner, and those who are enrolled here will dress otherwise. I want uniformity of dress when appearing in the same Court and uniformity of rights and privileges. Much has been said about Barristers not being able to sue for their fees. I challenge my Barrister friends here to show from the Indian Law Reports of the several High Courts how many cases of suing for fees have occurred within the last century. There will not be more than a dozen.

Mr. B. R. Puri: Every day we lose our fees.

Mr. Amar Nath Dutt: I know those, who are clever Barristers, take their fees first before perusing the papers, then, if they find time, they attend their cases, otherwise they do not. They take the fees all the same. But, in the case of the Indian Advocates, though it is said they have a right to sue for their fees, they are not paid at all till they take up the cases. Of course, some perusal fee may be given, that is all. So, this disqualification of not being able to sue for their fees in the case of Barristers is not much.

Mr. B. R. Puri: Why give out your secrets?

Mr. Amar Nath Dutt: Another disqualification has been made much of—that they have always to take a junior. I do not know how many of

[Mr. Amar Nath Dutt.]

us can work without a junior. That being so, this alleged disqualification is also nothing. These are the disabilities of members of the English Bar according to my revered Leader, Sir Hari Singh Gour. Then, my revered Leader has been pleased to ask, what are the fresh facts that have happened since 1927? I have already stated the fresh facts that have since happened,—what has happened in the Calcutta High Court after the constitution of the Bar Council. If that does not convince my Leader, I am helpless.

Mr. S. G. Jog: There is the very fact that seven years have elapsed since then.

Mr. Amar Nath Dutt: Much has been said about traditions. To speak of a man going from this country to a country 6,000 miles off and learning the traditions of a particular profession there and assimilating those traditions within a brief space of 12 terms or eight terms or even six terms and then being proud of those traditions is a thing which I fail to appreciate, much less to commend to any member of my race to follow. If we are to be brought up in the traditions of any country, it ought to be my own country. Then, my friend, Mr. Yamin Khan, was pleased to say that they had received better education in England. But if the specimen of logic which he has given to us be the index of the better education he had received in England, then I would advise him to go to any Intermediate College of his own Province and learn better logic there. He has brought the I.C.S. and the I.M.S. for comparison of the members of my profession. Why do the I.C.S. get fat salaries. Why do they become Secretaries of the Legislative Department and get Knighthoods? Why not a Deputy Magistrate and why should not an Assistant and Sub-Assistant Surgeon get the same privileges as my friends, Sir Lancelot Graham and Colonel Sir Henry Gidney. These are the analogies which he has brought forward. The fallacies in his logic can be removed by studying an elementary book on Deductive Logic in any Intermediate College in his own Province. He says that people educated differently should have different status. I say, Sir, that people who have the ambition and the aspiration to become members of this honourable profession in India ought to have the same standard of education. That they are educated differently in manners has been in evidence in this House. That they have been educated differently in matters of logic and knowledge of traditions and of history has also been in evidence in this House. We do not want that kind of difference in education. An example has been given of an LL.B. who failed at an examination which some Honourable Member passed. I also give him an example of a simple B.L. and who is shortly going to join the Law Member's Office under the Government of India. He was a simple B.L., a district court pleader and then a High Court Vakil and a member of the subordinate judiciary and then he came out as a Barrister in India standing first class first in the examination of his year in England. If I am not talking wildly, as some of my friends did, I beg to be excused by my friend, Sir Muhammad. We do not want the same robe.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

We want uniformity of robes, We do not want to come with a robe which is foreign to India. It has been said that the spirit of imitating is bad. I do not know who imitates whom. We in India do not imitate

anybody. If you scratch a Barrister, you will find a barber. (Laughter.) I think this will convince my friend, Mr. Puri, what are our actual grievances. It is equality of status that we claim. I have already said that there is no motive in this motion. My friend, Mr. Anwar-ul-Azim, wants to have the onrush of M.A., B.L.'s to be checked. I would like to have the onrush of half educated lawyers being imported from England. It has been suggested that there should be a tariff wall against the import of half indigenous and half foreign goods. I do not know whether my friend, Mr. Morgan, will support me. If it were possible, I would, in the interests of the country, impose a tariff wall against the import of these lawyers from abroad, who hardly know their law, and who, from what we have seen in this House, hardly know good manners and good logic. With these words, I beg to move my motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Bar Councils Act, 1926, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

Mr. N. M. Joshi (Nominated Non-Official): I move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1890, be taken into consideration."

Mr. Jagan Nath Aggarwal (Jullundur Division. Non-Muhammadan): On a point of order. May I point out that these Bills, which my learned friend wishes to be considered and passed, have not been circulated for opinions and, if they have been circulated, we have not received copies of those opinions. If they have been circulated by executive action, we have not been supplied with copies. I, therefore, suggest that the discussion of these Bills be left over till the Bills are circulated and opinions are obtained.

Mr. President (The Honourable Sir Shanmukham Chetty): Was this originally sent out for circulation?

Mr. N. M. Joshi: May I explain that the Bill was not circulated on a regular motion of the House, but when I introduced the Bill I requested the Honourable Member in charge of the Department of Industries and Labour whether he would have the Bill circulated, and I thought he had agreed to do so. Moreover, the point which is dealt with by my Bill was circulated by the Government of India for opinion.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, the facts are that the recommendation of the Royal Commission dealing with the question of besetting an industrial establishment for the recovery of debts was circulated to Local Governments for the purpose of obtaining their opinions on it. After that had been done, my Honourable friend, Mr. Joshi, brought forward this Bill and I promised that I would forward the Bill to Local Governments in continuation of the previous correspondence we had had with them on this subject. As a matter of fact, their replies had come in before they got the Bill and I think in practically

[Sir Frank Noyce.]

all cases they said they had no further remarks to offer. I shall, at a later stage, Sir, have an opportunity of explaining what the position of Government is in regard to this measure.

Mr. N. M. Joshi: Sir, if the Government are willing to circulate the opinions received by them to the Honourable Members, I would not mind my motion being adjourned.

The Honourable Sir Frank Noyce: I have no objection, Sir, to that being done, but I must confess that I should have preferred to state at once what the position of Government is in regard to this Bill. I can hardly do that until my Honourable friend has completed his speech moving the motion now before the House. I think, if my Honourable friend were allowed to complete his speech moving that motion and I were allowed to explain the position of Government, that would probably satisfy the House; I hope so.

Mr. Jagan Nath Aggarwal: I think, Sir, that it would be just as well that the opinions collected by the Government of India should be made available to us, and that is a position which my friend, Mr. Joshi, accepts; and after those opinions have been circulated, it would be perfectly open to Sir Frank Noyce to oppose the motion or not as he likes, but at this stage of the Bill I think it would be quite fair to the House to let us have those opinions which my friend does not object to giving us.

Mr. President (The Honourable Sir Shanmukham Chetty): There is nothing to prevent Mr. Joshi moving the motion at a later stage if he wants it, on another day. He does not need the concurrence of the Government Members.

Mr. N. M. Joshi: If the Government agree to circulate, I shall certainly withdraw my motion, but if Government are not willing to circulate, there is no point in my making such a motion.

The Honourable Sir Frank Noyce: There are no opinions on Mr. Joshi's Bill which are worth circulating. I am quite prepared to place before the House the opinions which we got in regard to our own proposals, that is, the opinions obtained from Local Governments as to the action which they suggest on the recommendation of the Royal Commission, but I must confess that I should like to have an opportunity of explaining to the House what decision the Government of India have arrived at in this matter. If I were to circulate with the opinions we have obtained from the Local Governments our own letter to the Government of Bengal which clearly states the Government of India's decision on the subject, that might perhaps meet the case.

Mr. N. M. Joshi: In view of the fact that the Honourable Member is willing to circulate the opinions and the proposals which Government have made on this point, Mr. President, I shall withdraw my motion today.

Mr. President (The Honourable Sir Shanmukham Chetty): The motion need not be made at all: it stands over.

Sir Hari Singh Gour: May I suggest a slightly different procedure which will probably be accepted by you, Sir, and the House—that Mr. Joshi should formally move his motion for taking his Bill into consideration and that Sir

Frank Noyce should then give the House an idea of the attitude of Government on the subject; and after that, any Member may be at liberty to move that the Bill be circulated, or rather that the opinions collected by the Honourable Member for Industries and Labour should be circulated and the Bill should then be taken up on the next non-official Bill day.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member does not want to make the motion today. That is the end of the matter.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Mr. N. M. Joshi (Nominated Non-Official): Well, Sir, the point as regards the next motion* is the same: I would like Government to say whether they would circulate to the Members the opinions which they have obtained on the points covered by my Bill.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I regret I am unable to accept that suggestion in regard to this measure. The position is that this Bill deals with three subjects and that the action that the Government of India propose to take in regard to those three subjects is entirely different. In regard to one of the proposals, the Government of India hope to bring forward a measure themselves later on in the Session—that is, in regard to the proposal which deals with the attachment of wages for debt. In regard to the second proposal—the abolition of arrest and imprisonment for debt—the position is that we have addressed Local Governments on the subject and that their replies have only just come in. They have not yet been examined and it is, therefore, not possible to state what action the Government of India will take. In regard to the third proposal—the safeguarding of contributions to Provident Funds against attachment, it has been decided that action should await the amendment of the Provident Funds Act. That is the position and it makes it difficult for me to accept the suggestion of my Honourable friend.

Mr. N. M. Joshi: In any case I do not make my motion today.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I do not want to make the motion† today.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, it has been represented to me by my non-official colleagues that they would like formally to move the motions standing in their name and I, therefore, make the self-sacrifice of not making my motion‡ today in the hope that they will not allow their Bills to be hand-caps to my Temple Entry Bill in Simla.

*“That the Bill further to amend the Code of Civil Procedure, 1898, be taken into consideration.”

†“That the Bill to abolish the punishment of death for offences under the Indian Penal Code be circulated for the purpose of eliciting opinion thereon.”

‡“That the Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code be circulated for the purpose of eliciting opinions thereon.”

THE MILCH CATTLE PROTECTION BILL.

Rai Bahadur Kunwar Raghubir Singh (Agra Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to protect Milch Cattle.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to protect Milch Cattle."

The motion was adopted.

Rai Bahadur Kunwar Raghubir Singh: Sir, I introduce the Bill.

THE SPECIFIC RELIEF (AMENDMENT) BILL.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Specific Relief Act, 1877.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Specific Relief Act, 1877."

The motion was adopted.

Mr. Jagan Nath Aggarwal: Sir, I introduce the Bill.

THE INDIAN ARMS (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Arms Act, 1878.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian Arms Act, 1878."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE INDIAN STAMP (AMENDMENT) BILL.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Stamp Act, 1899.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian Stamp Act, 1899."

The motion was adopted.

Mr. A. Das: Sir, I introduce the Bill.

THE HINDU INHERITANCE (AMENDMENT) BILL.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, this motion* and the next motion are with regard to the same Bill and as Rai Bahadur Lala Brij Kishore wishes to introduce the Bill, I will not make any motion.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend the Hindu Law of Inheritance.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to amend the Hindu Law of Inheritance."

The motion was adopted.

Rai Bahadur Lala Brij Kishore: Sir, I introduce the Bill.

THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) AMENDMENT BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose."

The motion was adopted.

Mr. B. Das: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL. (AMENDMENT OF SECTION 491).

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

*"Motion for leave to introduce a Bill to amend the Hindu Law of Inheritance."

THE LAND ACQUISITION (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples"

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 421, 422, 426 AND 497).

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is.

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, I beg to move for leave to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples.

Mr. President (The Honourable Sir Shanmukham Chetty): This is the same motion as No. 45 on the agenda, for which Mr. Lalchand Navalrai has already obtained the permission of the House to introduce. A similar question arose on a previous occasion when the Honourable Mr. Rangaiyer was in charge of a Bill. The question then was whether, when one Honourable member had obtained the leave of the House to introduce a Bill, another Honourable Member could ask for leave to introduce the same Bill. On that occasion, the Chair ruled that the second motion to the same effect would come within the mischief of the rule relating to repetition of motions and, therefore, it could not be moved. Since then the Chair has thought over the matter and it has now come to the conclusion that the ruling must be revised and it will now be open for any number of Honourable Members to ask for leave to introduce the same Bill if they choose to do so. Therefore, Diwan Bahadur Harbilas Sarda will be in order if he wants to move it.

Diwan Bahadur Harbilas Sarda: I have already asked for leave to introduce it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu Temples."

The motion was adopted.

Diwan Bahadur Harbilas Sarda: Sir, I introduce the Bill.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I beg to move for leave to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908."

The motion was adopted.

Mr. B. Das: Sir, I introduce the Bill.

THE HINDU SONS' RIGHT OF PARTITION BILL.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to declare the rights of a son in a joint and undivided Hindu family governed by the Mitakshara School of Hindu Law to claim partition of family property.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill to declare the rights of a son in a joint and undivided Hindu family governed by the Mitakshara School of Hindu Law to claim partition of family property."

The motion was adopted.

Mr. Jagan Nath Aggarwal: Sir, I introduce the Bill.

STATEMENT OF BUSINESS.

The Honourable Sir Brojendra Mitter (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 12th February, 1934. Monday, the 12th, is a Gazetted holiday and you, Sir, have directed that in that week the House shall sit for the transaction of official business on Tuesday, the 13th, and Thursday, the 15th. On Tuesday, the first two items of business will be the motions to take into consideration and pass the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as reported by the Select Committee. Thereafter, motions will be made to take into consideration and pass the following Bills:

- (1) A Bill further to extend the operation of the Wheat (Import Duty) Act, 1931, and
- (2) A Bill to continue for a further period the provisions made by certain Acts for the purpose of fostering and developing the steel industry and the wire and wire nail industry in British India.

On Thursday, any business unfinished on Tuesday will be taken up in the order shown on Tuesday's paper. Thereafter, motions will be made to refer to Select Committees the following Bills:

- (1) A Bill to regulate the payment of wages to certain classes of persons employed in industry,
- (2) A Bill to provide for the application of the Naval Discipline Act to the Indian Navy, and
- (3) A Bill further to amend the Indian Tariff Act, 1894, for certain purposes.—The Indian Tariff (Textile Protection) Amendment Bill.

I may add that on Saturday, the 17th, as appointed by His Excellency the Governor General, the Railway Budget will be presented. No other business will be transacted on that day.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th February, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 13th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Sir Darcy Lindsay, Kt., C.B.E., M.L.A. (Bengal: European).

QUESTIONS AND ANSWERS.

RE-OPENING OF NON-RECRUITED ASSISTED EMIGRATION TO MALAYA.

102. ***Mr. Gaya Prasad Singh:** Is it a fact that about 20,000 Indian labourers are wanted for Malaya? If so, what steps, if any, are being taken in the matter, and what arrangements are being made to ensure fair economic and political status to those that may be sent over?

Mr. G. S. Bajpai: The Honourable Member presumably refers to the request of the Malayan Governments for the re-opening of non-recruited assisted emigration from South India to Malaya. The matter has been considered by the Standing Emigration Committee of the Indian Legislature and the Government of India are now in communication with the Federated Malay States and Straits Settlements Governments. Honourable Member may rest assured that if emigration is re-opened suitable precautions will be taken to safeguard the political and economic interests of the emigrants.

Mr. Gaya Prasad Singh: From what part of the country most of the emigrants to Malaya are recruited?

Mr. G. S. Bajpai: Mostly from Southern India.

PRISONERS IN THE ANDAMANS.

103. ***Mr. Gaya Prasad Singh:** Will Government kindly state (i) the number of prisoners at present in the Andamans; and (ii) their numbers from each Province?

The Honourable Sir Harry Haig: (i) The total number of prisoners in the Andamans is 6,276.

(ii) I lay a statement on the table.

Statement showing the number of convicts from the various provinces in the Andaman Islands as reported by the Chief Commissioner on February 6th, 1934.

Madras	494
Bombay	452
Bengal	419
United Provinces	1,090
Punjab	953
Bihar and Orissa	140
Burma	2,114
Central Provinces	203
Assam	59
North-West Frontier Province	247
Delhi	12
Coorg	1
Baluchistan	1
Central India	1

APPOINTMENT OF INDIANS TO THE CEYLON CIVIL SERVICE.

104. ***Mr. Gaya Prasad Singh:** Will Government kindly state if Sinhalese are eligible for appointment to the All-India Services, and, if so, are Indians allowed the same privileges in Ceylon?

The Honourable Sir Harry Haig: The only All-India Service for which Ceylonese are eligible for appointment is the Indian Civil Service, and that only through the open competition in London. Indians are not eligible for appointment to the Ceylon Civil Service.

Mr. Gaya Prasad Singh: Why is this discrimination given to the Ceylonese Government to allow their people to compete for the Indian Civil Service while the same facility has been withheld from the Indians in the Ceylon Civil Service?

The Honourable Sir Harry Haig: I quite agree with my Honourable friend that it does constitute a marked anomaly. The reason is that in accordance with a certain section of the Government of India Act, all British subjects are eligible to compete in the examination in London. Until that Act is amended, it will be impossible to take the steps that the Honourable Member suggests. I may add for his information that the question of dealing with this anomaly will come up for consideration in connection with the new Government of India Act.

Mr. K. C. Neogy: Are the Ceylonese by any chance treated as Indians for the purpose of Indianisation of the Indian Civil Service?

The Honourable Sir Harry Haig: I should be glad if my Honourable friend would give notice of that question so that I may answer after proper consideration.

INSANITARY CONDITION OF THE ROAD NEAR MANDIR BHARAIN IN PAHARGANJ, DELHI.

105. ***Mr. S. G. Jog:** (a) Are Government aware, and if not, will they please enquire and state, that the road near Mandir Bharain, Paharganj, Delhi, is always flooded with drain water?

(b) Is it a fact that the said road is adjacent to New Delhi and are Government aware that its insanitary condition is dangerous to the health of the public as well as of the Government servants residing in the said locality and having access to New Delhi?

(c) Is it a fact that the inhabitants of the said locality have made several representations to the Municipality for providing suitable means to drain out the flooded water, but without any response?

(d) Do Government propose to remove the obnoxious condition of the locality? If not, why not?

Mr. G. S. Bajpai: (a), (b), (c) and (d). The facts are that the owners of two private houses discharged drain water on to the road without permission. No representations on the subject to the Municipal Committee are on record, but suitable action is being taken by the Municipal Committee, Delhi, to put a stop to the nuisance.

REVIVAL OF THE BORAX INDUSTRY.

106. ***Bhai Parma Nand:** (a) Will Government be pleased to state if it is a fact that the number of places where the industries of refining Borax (*Suhaga*) was carried on, has been declining during the last ten years?

(b) If so, will Government be pleased to state whether they intend to revive this industry by putting on a suitable tariff? If not, why not?

The Honourable Sir Joseph Bhore: (a) Government have no definite information on the point, but they are aware that imports of borax by land into India for refining purposes have been declining in recent years.

(b) It is open to the industry to submit for the consideration of Government its claims to protection should it consider that it fulfils the conditions laid down by the Fiscal Commission in paragraph 97 of their Report.

GRIEVANCES OF THE STAFF OF THE LATE GOVERNMENT OF INDIA POSTAL WORKSHOP AT ALIGARH.

107. ***Bhai Parma Nand:** (a) Will Government be pleased to state if it is a fact that when the Government of India Postal Workshop at Aligarh was abolished in 1931, some of the staff were made to retire and some were transferred to the Postal Department on the same salary? Was notice given after a year and a half to the transferred staff either to retire compulsorily or to rejoin the same service with a break in service and in a lower grade, viz., 35—4—75?

(b) Are Government aware of the hardship caused to the members of the staff who accepted service at different places in the Province and who were later on forced to accept a much lower salary and refund the amount of their pay drawn during a year and a half?

(c) Is it a fact that the rules and regulations of the Postal Department as to appointment, pension, etc., are applicable to the members of the Postal Workshop? If so, why was a deviation in the rules made after the staff joined the new posts and worked there for a year and a half under the same Director General of Posts and Telegraphs?

(d) Do Government propose to take steps to see that the orders of the late Director General are not set aside by the present incumbent of the office, and that this grievance of the staff is redressed?

The Honourable Sir Frank Noyce: (a) The facts are substantially as stated by the Honourable Member. I may, however, inform him that the question whether the lower division scale of pay (Rs. 35-4-75) should apply to the upper division clerks of the defunct Postal Workshop, who have been appointed in the Postal Branch of the United Provinces Circle, is under the consideration of the Director-General.

(b) As already explained the question of the correct fixation of the salary of the officers concerned is at present being considered by the Director-General and so far as Government are aware no refunds have as yet been made by the officials concerned, nor have Government received any protests against their transfer to other stations in the United Provinces.

(c) The reply to the first part is in the affirmative. As regards the second part the Honourable Member's attention is invited to the reply I have just given to part (a) of this question.

(d) As already explained the question is at present under the consideration of the Director-General.

PERIODICAL MIGRATIONS OF KABULI MONEY-LENDERS TO VARIOUS PARTS OF INDIA.

108. ***Bhai Parma Nand:** (a) Are Government aware of the fact that there are periodical migrations of Kabuli money-lenders to various parts of India every year, and that these Kabuli money-lenders lend out money to illiterate folks in the villages of different parts of the country at exorbitant rates of interest and recover their loans by resorting to extra-legal methods?

(b) Are the Government of India prepared to intercede with His Majesty the King of Afghanistan on their behalf and stop their migration for this purpose?

Mr. B. J. Glancy: (a) Government are aware that certain Afghan subjects visit India in the winter and lend money to Indians. They have no information about the rates of interest charged and are not prepared to endorse the suggestion made by the Honourable Member as to the methods employed by these money-lenders to effect recovery of their loans.

(b) No. These persons are during their sojourn in India amenable to the laws of India and if they offend against those laws they can be prosecuted.

Bhai Parma Nand: May I ask the Honourable Member, if the Government are not aware, would he kindly make some enquiry into this matter?

Mr. B. J. Glancy: I shall be very pleased to make further enquiries.

CONVICTIONS FOR GAMBLING.

109. ***Bhai Parma Nand:** Will Government be pleased to state what is the number of convictions, in connection with *Darra Sutta* (Digit sutta) gambling in inter-provincial cases and those involving British and State subjects, respectively, during the last three financial years in various parts of India?

The Honourable Sir Harry Haig: I regret that the information is not available with the Government of India and the labour involved in collecting it from Local Governments would, I think, be incommensurate with its results.

PROMOTION OF FRUIT CULTURE AND FRUIT MARKETING IN INDIA.

110. *Bhai Parma Nand: (a) Will Government be pleased to state if they are aware of the fact that there is a great possibility of the export of tropical and sub-tropical fruits on a commercial scale from different parts of India?

(b) If so, are Government prepared to do something for the promotion of fruit culture and fruit marketing, and to impart suitable training to selected students?

Mr. G. S. Bajpai: (a) Experiments assisted by the Imperial Council of Agricultural Research indicate that there are definite but limited possibilities for the development of an export trade in certain Indian fruits, particularly mangoes.

(b) The matter primarily concerns Local Governments. The Imperial Council of Agricultural Research is also financing a co-ordinated group of fruit research schemes, particulars of which will be found in the Council's Annual Report for 1932-33, which has been supplied to Honourable Members.

Special training in fruit cultivation and fruit preservation is given at the Agricultural Colleges at Poona and Lyallpur.

ACCEPTANCE OF DEFACED COINS, ETC., BY THE TAHSIL AND DISTRICT TREASURIES.

111. *Bhai Parma Nand: (a) Will Government be pleased to state whether the Tahsil and District Treasuries are authorised to refuse acceptance of defaced (though not debased) coins, old rupee coins of the East India Company and spoiled or oiled genuine currency notes (though their number and other marks may be quite clear)?

(b) If the reply to part (a) be in the negative, are Government prepared to issue clear instructions on the subject and have them posted on the walls of Government Treasury Buildings for the information of the public to avoid inconvenience?

The Honourable Sir George Schuster: (a) I would invite the attention of the Honourable Member to the provisions of the Resource Manual, a copy of which will be found in the Library of the House. Tahsil and district treasuries are authorised to refuse acceptance of defaced coins and old rupee coins of the East India Company if they appear to have been fraudulently defaced or if their weight has been reduced by more than a certain percentage. They are also authorised to refuse acceptance of spoiled and oiled genuine currency notes if they are not clearly identifiable.

(b) The instructions issued to treasury authorities have been made as clear as possible, but such authorities must necessarily retain some discretion with regard to the interpretation of the rules. It is open to aggrieved persons to appeal to the Deputy Controller of the Currency who can order re-examination in a mint if he considers this to be desirable. In the circumstances Government do not consider it necessary to post information on the subject on the walls of Government treasury buildings.

REFUSAL OF LEAVE ON TRANSFER TO THE CREW STAFF ON THE EASTERN BENGAL RAILWAY.

112. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state if it is a fact that D. T. S., Crews, Eastern Bengal Railway, refused

to grant six days' preparatory leave to his staff on transfer and forced the staff to take leave on average pay instead?

(b) Will Government be pleased to state if the staff on transfer are entitled to six days' preparatory leave?

(c) If so, are Government prepared to issue orders to the Agent to convert the leave into preparatory leave? If not, why not?

Mr. P. R. Rau: I have called for information and will lay a reply on the table in due course.

ALLEGATIONS AGAINST MR. WOOD, TRAFFIC INSPECTOR, AMINGAON, EASTERN BENGAL RAILWAY.

113. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state if it is a fact that serious complaints for molesting Indian ladies, while travelling in trains, were brought against Mr. Wood, Traffic Inspector, Amingaon, Eastern Bengal Railway, that an enquiry was held by the District Officer, and that Guard S. K. Bose who gave evidence against Mr. Wood, has been discharged from service?

(b) Are Government prepared to furnish this House with the findings of the enquiry held by the District Officer?

Mr. P. R. Rau: Disciplinary action in the cases of misconduct of non-gazetted staff is within the powers of the Agent of the Railway to whom full powers have been delegated. No special features have been mentioned by the Honourable Member to justify the Government of India in departing from their usual policy of refusing to intervene in such cases.

STOPPAGE OF THE RELIEVING ALLOWANCES TO THE RELIEVING STAFF OF THE TRAFFIC DEPARTMENT, EASTERN BENGAL RAILWAY.

114. *Pandit Satyendra Nath Sen: (a) Are Government aware that relieving allowances to relieving staff of the Traffic Department, Eastern Bengal Railway, have been stopped and travelling allowance upto 35 days instead has been introduced?

(b) If so, will Government be pleased to state if they received any representation from the staff in the matter, explaining their difficulties to meet the extra expenses for working as relieving hands?

(c) If so, will Government be pleased to state if the nature of work of relieving staff has been changed?

(d) If not, will Government be pleased to state why a change in the system of payment of their allowances was felt necessary?

(e) Will Government be pleased to state if it is a fact that relieving staff in the Traffic Department of the Eastern Bengal Railway, are generally temporarily posted at a station if they work there for more than 35 days and no allowance is allowed?

(f) If so, will Government be pleased to state if it is a fact that even in such posting the relieving hands have had to maintain two establishments—one at Headquarter and another at out-station?

(g) If so, are Government aware that it is regarded as a hardship to meet double expenses without any extra allowances?

Mr. P. R. Rau: (a) and (d). The question of relieving allowances was reviewed by the Railway Board in 1931, and it was decided to make the practice then existing on the Great Indian Peninsula Railway uniform on all State-managed Railways. It was arranged that the relieving staff should, instead of relieving allowances be granted the usual travelling allowance admissible on tour as also the compensatory allowance, if any, which would be admissible to them at headquarters. Under the Supplementary Rules daily allowances cannot ordinarily be drawn beyond 10 days. In March 1932 powers were granted to Heads of Departments to grant full exemption from this rule, but it was stated that when it could be foreseen that relieving staff would be required to stay at a particular station for more than 6 weeks, they should be temporarily transferred.

(b) Yes.

(c) No.

(e) Government have no information regarding the position in the Traffic Department on the Eastern Bengal Railway, but Government consider that it is only when a man is sent to another station to work for a comparatively short period that any special compensation is called for. When he is sent for comparatively long periods it is reasonable to treat it as a temporary transfer.

(f) I am unable to say whether the facts are as stated.

(g) This is purely a hypothetical question.

FUNCTIONS OF THE WELFARE OFFICER, EASTERN BENGAL RAILWAY.

115. *Pandit Satyendra Nath Sen: (a) Is it a fact that a Welfare Officer has been appointed on the Eastern Bengal Railway?

(b) If so, will Government be pleased to state the functions of the officer?

Mr. P. R. Rau: (a) Yes.

(b) I would invite my Honourable friend's attention to the memorandum placed by the Railway Board before the Standing Finance Committee for Railways, a copy of which will be found on pages 14-16 in Volume X No. 6 of these proceedings.

DISCONTENT AMONGST THE GUARDS IN THE CALCUTTA DISTRICT OF THE EASTERN BENGAL RAILWAY.

116. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state if they are aware that wide discontent has been created amongst the guards working in the Calcutta District of the Eastern Bengal Railway on the issue of a circular, dated the 19th June 1933, regarding punctuality of trains service, asking the guards to cultivate a neat handwriting always to write in ink and to summarise detentions by formula using code letters A, B, C, D to X, Y, Z?

(b) Are Government aware that the guards were hitherto allowed to prepare their reports with pencils? If so, why?

(c) If so, do Government propose to consider the desirability of withdrawing the order issued by the Divisional Superintendent?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to Questions Nos. 116, 117, 118 and 120 together. Government have no

information. Details of administration of this sort are left to the Agents of Railways and Government see no reason to interfere.

STOPPAGE OF THE ALLOWANCE OF CERTAIN PORTERS ON THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†117. ***Pandit Satyendra Nath Sen:** Will Government be pleased to state the reason why the allowance of Rs. five granted to the porters working on Shunting Van Goods Pick-up Service Trains on the East Indian Railway, Howrah Division, has been stopped whereas the same allowance is being given to the porters in other divisions?

NON-PAYMENT OF CONSOLIDATED TRAVELLING ALLOWANCE TO THE CREWMEN ON THE EAST INDIAN RAILWAY.

†118. ***Pandit Satyendra Nath Sen:** (a) Will Government be pleased to state if it is a fact that the Divisional Superintendent, Howrah, East Indian Railway, sanctioned in the month of January, 1932, payment of consolidated travelling allowance to the crewmen engaged on other than running duties?

(b) If so, will Government be pleased to state the reason why the payment of such allowances has not yet been made to the crew staff concerned although more than a year has been allowed to pass?

SCARCITY OF WATER AT ASANSOL.

119. ***Pandit Satyendra Nath Sen:** With reference to the article "Grievances at Asansol—Scarcity of water at Asansol", which appeared on page 4 of the *Railwaymen's Times*, dated the 16th November, 1933, will Government be pleased to state what action was taken by the East Indian Railway authorities regarding the complaint?

Mr. P. R. Rau: A provision of 4½ lakhs has been made in the next years' budget for improvement of the drinking water supply at Asansol; and if the Assembly approve of this, it is hoped to complete the project before the end of 1934-35.

STOPPAGE OF THE INCREMENT OF A CLERK WORKING UNDER THE CONTROLLER OF STORES, EAST INDIAN RAILWAY.

†120. ***Pandit Satyendra Nath Sen:** Will Government be pleased to state if it is a fact that order was passed on the file of a clerical staff under Controller of Stores in the East Indian Railway, who applied for his due increment, to the effect that further increment is stopped as he made an application? If so, why?

TRADE TREATY BETWEEN INDIA AND THE UNITED STATES OF AMERICA.

121. ***Sirdar Sohan Singh:** (a) Will Government please state if there is a Trade Treaty between India and the United States of America? If so, is it a fact that while this treaty guarantees full business rights and protection to American merchants in India, it contains no corresponding protection to Indian merchants in the United States of America?

† For answer to this question, see answer to question No. 116.

(b) Will Government be pleased to lay on the table a copy of the Treaty?

The Honourable Sir Joseph Bhoré: (a) There is no direct trade agreement between India and the United States of America, but there is a Convention of Commerce concluded as long ago as 1815 between His Britannic Majesty and the United States of America, Article 3 of which is applicable to India. The provisions of this Article are unilateral inasmuch as they make no stipulations for the treatment of Indian trade in the United States of America.

(b) A copy of the Convention referred to has been placed in the Library of the House.

PROVISION OF SHELTER TO THE INDIAN RAILWAY STAFF AT STATIONS
DAMAGED BY THE EARTHQUAKE.

122. ***Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the Indian railway staff of all the stations which have been damaged owing to the earthquake between Jamalpur and Patna stations have not been provided with any shelter and are living in the open, whereas the European and Anglo-Indian employees of those places have been given tents?

(b) If the answer to part (a) be in the affirmative, will Government kindly state why this discrimination was made in providing shelter?

(c) Do Government propose to provide them shelter now and issue instructions not to make this distinction?

Mr. P. R. Rau: (a), (b) and (c). Government have been informed by the Railway Administration that there has been no discrimination in providing railway staff with tents or other temporary shelter after the recent earthquake. The available tents, tarpaulins, corrugated iron sheets, etc., were used in the first instance to provide shelter for those employees who had been housed in railway quarters, irrespective of whether they were Europeans, Anglo-Indians or Indians. After this had been done 47 surplus tents were used for accommodating employees who had been living in non-railway quarters. In addition to these arrangements the Indian Apprentices' Hostel and the H. E. School building were made available for occupation by the staff who were still without shelter, but none would occupy them at first. About 50 huts of bamboo and straw were also constructed, of which only 30 were occupied as some of the Indian clerical staff refused to occupy the others, because they considered that the Indians occupying the 30 units were not of their class. Arrangements were then made for erecting 100 Bengali type huts for the clerical staff. It will be seen, therefore, that every effort was made to provide shelter for all railway employees, irrespective of caste or creed, but that for various reasons the accommodation available for some days after the earthquake was not at any time fully occupied.

EMPLOYMENT OF THE PEOPLE OF AJMER-MERWARA IN THE CENTRAL PUBLIC
WORKS DEPARTMENT.

123. ***Diwan Bahadur Harbilas Sarda:** (a) Are there any orders purporting that in case new works are started under the Central Government and the employment of extra engineers becomes necessary, retrenched men of the Central Public Works Department should be given the first chance and thereafter retrenched men of the various Provincial Public Works Departments should be taken?

(b) Are Government aware that of late a few vacancies in the Central Public Works Department have been filled by such retrenched men?

(c) Do Government consider that Ajmer-Merwara, being one of the centrally administered areas should have a reasonable share in the matter of senior appointments in the Central Public Works Department, Delhi, when there are men fully qualified for such appointments?

(d) Are Government aware that suitable and qualified men from Ajmer-Merwara can only look up to the Central Government for employment? Do Government propose to issue orders that they should be given preference over the retrenched Public Works Department officers of the Governors' provinces who have ample scope for employment in their own provinces?

(e) Are Government aware that the policy of the Governors' provinces is to exclude generally people who are not natives of the provinces concerned and that the people of Ajmer-Merwara are not eligible for employment in any of the Governors' provinces?

The Honourable Sir Frank Noyce: (a) No. Orders have been issued that in filling vacancies in the clerical staff of the Central Public Works Department preference should always be given to retrenched personnel, due regard being had to the duties of the posts to be filled and the qualifications required to fill them efficiently.

(b) Yes.

(c) By "senior appointments" the Honourable Member perhaps refers to gazetted appointments. I am afraid it would not be desirable to allot a definite share of these posts to candidates from any particular centrally administered area. Apart from difficulties arising from the smallness of the cadre, the work performed by this staff, which includes all work connected with New Delhi, is largely of an imperial and not of a provincial nature. Government are prepared, however, if the choice should at any time lie between two or more equally qualified candidates, to give weight to the fact that any one of them resides in a centrally administered area.

If the Honourable Member has also in mind some of the subordinate posts, I may add for his information that the Chief Engineer proposes in future to treat men from Ajmer-Merwara on an equal footing with men belonging to the Delhi Province, who are, *ceteris paribus*, given preference over other applicants for employment.

(d) and (e). Government are aware that in practice preference is given in Governors' provinces to men belonging to these provinces, and recognise that residents of centrally administered areas, such as Ajmer-Merwara, are handicapped in securing employment in a Governor's province. As regards the re-employment of retrenched personnel, no retrenched men from Governors' provinces have yet been re-employed in the Central Public Works Department, and Government do not propose to issue any order giving preference over such men to residents of Ajmer-Merwara.

GRIEVANCES OF THE PEOPLE OF BEECHLA TANK AGAINST THE RAILWAY AUTHORITIES.

124. ***Diwan Bahadur Harbilas Sarda:** (a) Is it a fact that when Railway was first opened in Ajmer, there were four ways leading to Beechla Tank locality and the land for these ways was given free of compensation by the people of the locality to the Railway?

(b) Is there a large number of houses, bungalows and huts in and about Beechla Tank, and consequently a large population with no proper road or way for them, open to be used at all hours?

(c) Is it a fact that there are over-bridges on the Railway yards for the exclusive use of people similarly situated on stations like Delhi, Bombay, Lahore, Ahmedabad and Rewari, etc.?

(d) Has the public of Ajmer represented in writing on the subject to the Local Government and the Railway authorities of the Bombay, Baroda and Central India Railway metre gauge? If so, what action has since been taken by the said authorities?

(e) Is it a fact that since the opening of the Railway in Ajmer, the main gate of the Railway Station was used by the people of this Beechla Tank locality? Has it or not been of late closed to them?

(f) Do Government propose to construct a bridge over the Railway yard for the use of the people to go to the Bisla?

(g) Have the Railway authorities completely closed the way leading from Ghasi Ram's Dharamshala to the Beechla Tank, which was used both by the pedestrians and wheeled traffic?

(h) Are Government prepared to invite the attention of the Railway authorities to construct an over-bridge?

(i) Are Government aware that several people have been run over by engines while crossing the Railway yard?

(j) Is it a fact that large numbers of cultivators bring vegetables to the Railway Station in head-loads now instead of cart-loads for export to Bombay?

(k) Do not the Railway derive a good income from the cultivators of vegetables in Ajmer who export their produce to Bombay by rail?

Mr. P. R. Rau: The information is being obtained from the Railway Administration, and a reply will be laid on the table in due course.

RETENTION OF SURPLUS STOCK OF RUPEES BY GOVERNMENT ON THE CREATION OF THE RESERVE BANK.

125. ***Sir Cowasji Jehangir:** Will Government be pleased to state what action they propose to take on the recommendation of the Joint Committee on the Reserve Bank Bill that the Government proposals for dealing with the surplus stock of rupees to be retained by Government when the Reserve Bank is created should be further studied by the Legislature?

The Honourable Sir George Schuster: Government propose to put the Memorandum before the Standing Finance Committee for their consideration at an early date.

Mr. B. Das: May I inquire if thereafter it will be placed before this House and the House will be given a day for discussing the subject?

The Honourable Sir George Schuster: I shall be glad to know whether Honourable Members have any particular wishes on this subject. Government are anxious that this matter should be fully considered by the Legislature and that is the reason why we propose in the first place to put the matter before the Standing Finance Committee which seems to be the obvious representative body of this Legislature to consider the matter.

Mr. B. Das: Was there not an understanding in the Select Committee of the Reserve Bank Bill that this question would be brought up before the Legislature?

The Honourable Sir George Schuster: My Honourable friend is quite aware of what passed in the Select Committee on the Reserve Bank Bill on this matter, and we have made this proposal with the purpose of giving effect to what we put before the Select Committee.

Sir Cowasji Jehangir: I quite understand the reasonableness of my Honourable friend's proposal to put it before the Committee first, but if the members of the Committee who happen to be Members of this House desire that their proposals or conclusions should be placed before this House, will the Honourable Member have any objection to do so?

The Honourable Sir George Schuster: Certainly not. As I have already said, we are only too anxious that the House should have every opportunity for considering the matter.

SHORT NOTICE QUESTION AND ANSWER.

CHANGE OF THE WAVE-LENGTH OF THE BOMBAY BROADCASTING STATION.

Kunwar Hajee Ismail Ali Khan: (a) Are Government aware that now-a-days some foreign radio station is broad-casting at the same wave-length and time when Bombay is transmitting and it is absolutely spoiling the Bombay programmes?

(b) What do Government propose to do to remove the grievances of Bombay's listeners in?

(c) Are Government prepared to change the wave-length of the Bombay station immediately?

The Honourable Sir Frank Noyce: The facts were approximately as stated, but the wave-length of the Bombay station has been changed, from the 9th February, to 350.9 metres which, it is hoped, will remove the difficulty.

UNSTARRED QUESTIONS AND ANSWERS.

INFORMATION REGARDING CERTAIN QUESTIONS PROMISED IN THE LEGISLATIVE ASSEMBLY.

35. Rai Bahadur Lala Brij Kishore: Will Government be pleased to state if they are in a position now to give the information promised in replies to my following starred questions:

(i) No. 1096, dated the 1st April, 1933;

(ii) No. 818, dated the 12th September, 1933?

Mr. P. R. Rau: (i) A reply was laid by me on the table of the House on the 30th August, 1933.

(ii) The Railway Board are still in correspondence with the Agent, East Indian Railway, on the subject. I shall place a reply on the table as soon as possible.

ACTION TAKEN ON CERTAIN QUESTIONS ASKED IN THE LEGISLATIVE ASSEMBLY.

36. Rai Bahadur Lala Brij Kishore: With reference to the replies to my starred questions No. 1095, dated the 1st April 1933, and No. 1375, dated the 11th December 1933, will Government be pleased to state whether any, and, if so, what action has been taken?

Mr. P. R. Rau: As regards starred question No. 1095, a copy of the Honourable Member's question was sent to the Agent, East Indian Railway, for any action that he may consider necessary. The matter is within the competence of the Agent to decide, and the Government are not prepared to intervene.

In regard to starred question No. 1375, the Agent, East Indian Railway, reports that there never was a separate gate, manned by a ticket collector, for the use of ladies at Unao station. What the Honourable Member refers to is presumably the back door of the *zenana* waiting room which stands detached from the main station building. This door and the back doors of similarly situated *zenana* waiting rooms at several other stations in the Lucknow Division have had to be closed as it was found that they were being used clandestinely by passengers without tickets to leave, or get access to, platforms. In the circumstances, the Railway Administration does not propose to re-open such doors.

INCONVENIENCES TO PASSENGERS ON THE RAHMATNAGAR RAILWAY STATION ON THE EAST INDIAN RAILWAY.

37. Mr. Muhammad Azhar Ali: (a) Are Government aware (i) that on the East Indian Railway line in the district of Lucknow—Oudh, Sultanpur, Lucknow branch—a station is named 'Rahmatnagar'; (ii) that the people of the town Amethi Bandigi Mian, in which the above station is built and the people of the vicinity, memorialized that the station be named after the great saint—Bandigi Mian as 'Amethi Bandigi Mian'; (iii) that no heed was paid to the public representations and protests; and (iv) that the Revenue and other Government papers from the days of the Mughal Emperors up till now, and also the public of the district, know the place where the station is situate as 'Amethi Bandigi Mian'?

(b) If so, will Government please state the reason why the station is styled as 'Rahmatnagar'?

(c) Are Government prepared to meet the public wishes?

(d) Are Government aware (i) that the citizens of the 'Qasba (town) Amethi' and its vicinity have boycotted the station, and traffic and trade is not therefore increasing; (ii) that there is no *pucca* road to the town or to the main road from Rahmatnagar station and that conveyances cannot reach the station, and (iii) that there is no platform or waiting room or a shelter from sun and rain at the station? If so, why?

Mr. P. R. Rau: Government have no information. The selection of station names is settled by Railways in consultation with the local civil authorities, and the Government of India see no reason to intervene in this case; but a copy of the question is being sent to the Agent, East Indian Railway.

INCONVENIENCES TO PASSENGERS ON THE GUNJMURADABAD RAILWAY STATION
ON THE EAST INDIAN RAILWAY.

38. **Mr. Muhammad Azhar Ali:** (a) Are Government aware (i) that on the East Indian Railway, between Unao and Balamau stations in Oudh, there is a station called Gunjmuradabad and that a great annual *Urs* (anniversary of a saint) is held there, and special trains are run on that occasion; (ii) that there are no sufficient double lines near or at the station, and the train timings cannot be so arranged as to afford passengers any convenience to arrive at the Gunjmuradabad station in time for the *Urs* or on return journey to catch corresponding trains at Unao for Cawnpore or Lucknow?

(b) Are Government prepared to do something to give facilities to the passengers?

(c) Are Government aware (i) that very great hardship was experienced by passengers in July, 1932 and 1933 on the *Urs* day as the trains to Unao were detained and hundreds of people were landed at Unao; (ii) that no First and Second Class compartment is attached to the special trains; (iii) that there is neither any platform at Gunjmuradabad nor any arrangement for water supply or shelter from rain and sun?

(d) If the reply to part (c) be in the affirmative, do Government propose to meet the difficulties above-mentioned?

Mr. P. R. Rau: (a) The East Indian Railway Administration report that Gunjmuradabad is a flag station with a small dead end siding on the Balamau-Unao Branch on the Moradabad Division of the East Indian Railway. There is a shrine of a Muslim Saint at which an Annual *Urs* is held during the month of *Rabi-ul-Awwal*, which is the third Lunar month of the Muslim year.

This *Urs* attracts a gathering of pilgrims of between two to three thousands every year. In addition to the two regular passenger trains each way, a special train is run to and from Cawnpore and Gunjmuradabad on the chief *Mela* day at suitable timings in consultation with the shrine authorities.

(b), (c) and (d). The Railway Administration are not aware what hardships are alluded to, as no complaints were made either at the time or subsequently. Although it is not usual to attach upper class carriages to *Mela* takes, there being no demand on such occasions for this class of accommodation, the Railway Administration propose, as an experimental measure, to attach an upper class coach to the special to be run in connection with the *Urs* fair in July next. Gunjmuradabad being a flag station, no special facilities exist in the way of platform accommodation, covered sheds or water supply arrangements. The provision of such facilities will be considered if they are justified by a permanent, and not spasmodic, increase in traffic. During each *Mela*, however, the Railway Administration report that additional *bhisties* were appointed for supplying water to passengers.

REMOVAL OF THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, BARISAL
DIVISION, TO A PLACE IN THE OUTSKIRTS OF THE TOWN.

39. **Mr. S. C. Mitra:** (a) Are Government aware that the office of the Superintendent of Post Offices, Barisal Division, has been removed to a place in the outskirts of the town, away from the Post Office and the offices

of the Local Government, and opposite to the Gurkha Barracks, to the great inconvenience of the public and the employees?

(b) Has the attention of Government been drawn to the correspondence published in the *Amrita Bazar Patrika*, dated the 27th October, 1933, in which complaints on behalf of the public were made as to their inconvenience owing to the shifting of the Superintendent's office to a distant corner of the town?

(c) Is the building a two-storied one, and does the Superintendent with the dealing clerks sit on the first floor and the record clerk and the copying clerk and despatcher accommodated on the ground floor? Did not the Postmaster-General, Bengal and Assam, consider the arrangement inconvenient and unserviceable?

(d) It is a fact that the actual floor space, and also cubical space, in the new building is less than that of the old building and as a consequence there has been congestion of files and records causing inconvenience to smooth working?

(e) Do Government propose to make an enquiry into the matter and shift the office to a more convenient building and quarter?

The Honourable Sir Frank Noyce: (a) No. The position of the new office is about 10 minutes' walk from the old one. No complaints of inconvenience have so far been received by the Postmaster-General, Bengal and Assam Circle, either from the general public or from the staff of the office.

(b) No. Issues of the paper have been examined, but the correspondence has not been found in it.

(c) The reply to the first part is in the affirmative. The Postmaster-General was assured, both by the Superintendent and the Head Clerk, that the arrangement was convenient.

(d) The floor area in the new building, though about 1 per cent. less than that occupied by the office in the old building, is quite sufficient.

(e) In view of what have been stated in parts (a) to (d), no further action is contemplated.

REFUSAL BY THE SUPERINTENDENT OF POST OFFICES, BARISAL DIVISION, TO ATTEND TO THE WORK OF THE POSTAL CO-OPERATIVE CREDIT SOCIETIES.

40. Mr. S. C. Mitra: (a) Is it a fact that the Superintendents of Post Offices generally act as *ex-officio* Presidents of the Postal Co-operative Credit Societies?

(b) Did the previous Superintendents of the Barisal Division act as President of the Barisal Postal Co-operative Credit Societies?

(c) Has the present Superintendent of the Barisal Division refused to attend the monthly meetings of the Committee of management of the Society, remarking that he will have no time during the whole of the year to attend at such meetings?

(d) Has any Superintendent of any other Division similarly refused to work? If not, what is the reason for the Superintendent, Barisal Division, refusing to attend to this matter affecting the interests of all the postal employees in the Division?

The Honourable Sir Frank Noyce: (a) So far as the Bengal and Assam Postal Circle is concerned, the reply is in the affirmative. No information is readily available in respect of other postal circles.

(b) Information prior to the year 1930-31 is not available. During 1930-31 and 1931-32, some of the meetings of the society were presided over by the then Superintendent.

(c) The fact is substantially as stated by the Honourable Member.

(d) As regards the first part, Government regret that the information is not readily available. As for the second part, the Superintendent in question declined to accept the presidentship on account of heavy pressure of office work and suggested that somebody else should be elected as President.

RESEARCH FUNDS FOR MEDICAL PURPOSES.

41. Rao Bahadur M. C. Rajah: (a) Do Government, through their advisory officers on committees, assist in the direction and control of such foreign funds for medical purposes of research and scholarships as the Carnegie and Rockefeller funds for India?

(b) Are Government aware that members of the independent medical profession in India are denied facilities obtainable from these funds?

(c) Do Government propose to exercise their influence towards seeing a more equitable distribution of such funds?

(d) What are the respective amounts of research funds for medical purposes, originating in and obtainable in India, that are distributed as salaries to non-Indians and to Indian workers drawing above Rs. 250 per mensem for the last five years?

Mr. G. S. Bajpai: (a), (b) and (c). Government have no information whether Carnegie funds are given for purposes of medical research or scholarships in India. The International Health Board of the Rockefeller Foundation, however, award Fellowships to Indians which are designed to meet definite needs in public health service. A copy of a memorandum containing information regarding the award of these Fellowships has been placed in the Library of the House. The allotment of funds rests with the donor, and Government cannot interfere with the method of distribution.

(d) The Government of India make an annual grant-in-aid to the Indian Research Fund Association for medical research. Such information, as is readily available regarding the total amount of salaries paid from the funds of the Association to Indians and non-Indians drawing above Rs. 250 per mensem during the last five years, is given below:

Year.	Indians (including Anglo-Indians).		Non-Indians.	
	Rs.		Rs.	
1929-30	.	2,27,771	.	3,59,737
1930-31	.	2,60,044	.	3,14,377
1931-32	.	2,74,457	.	3,27,708
1932-33	.	2,27,982	.	2,75,567
1933-34	.	2,12,935	.	2,36,042

COUNTER-SIGNATURES ON VACCINATION CERTIFICATES.

42. Rao Bahadur M. C. Rajah: (a) Will Government please state the reasons, if any, for demanding counter-signatures on vaccination certificates

issued by practitioners with recognised medical qualifications as obtainable in India? Has this demand been suggested or supported by the Haj Enquiry Committee?

(b) Is the system of such counter-signatures prevalent in other departments of the State? If so, in which? Is it sponsored or supported by Government directly or indirectly? If so, why?

(c) Are Government prepared to exercise their influence towards a discontinuance of this system where they can?

(d) Is it a fact that many Government Departments issue medical forms in which the certifying officer has to disclose the ailment from which the applicant is suffering?

Mr. G. S. Bajpai: (a) The Honourable Member is presumably referring to the orders requiring vaccination certificates of Haj pilgrims to be counter-signed when not issued by certain recognised authorities. Counter-signature is considered necessary in order to ensure the validity of a certificate. The need for such counter-signature was envisaged by the Haj Inquiry Committee.

(b) The Honourable Member probably wishes to know whether counter-signature of certificates of passengers proceeding to other parts of the world is also required. It is not possible to give an exhaustive list. But the Honourable Member is informed that this is so. For instance, certificates of vaccination issued to passengers sailing from India for other countries, e.g., South and East Africa, have also to be counter-signed by a Civil Surgeon, a Port Health Officer or a District or Municipal Medical Officer of Health.

(c) Government consider that some system of verification is necessary in the passenger's own interest and is intended to enable the Health Authority at the port of debarkation to satisfy itself as to the validity of a certificate.

(d) In some cases the rules provide that the nature of the illness shall be defined in the medical certificate.

CIVILIAN APPOINTMENTS HELD BY MEMBERS OF THE INDIAN MEDICAL SERVICE.

43. Rao Bahadur M. C. Rajah: (a) Are civilian appointments in India held by members of the Indian Medical Service in the nature of services lent by the Central to the Local Governments?

(b) Is it open to the Local Governments to refuse such offers?

(c) Have Government, directly or indirectly, divided India or caused it to be divided into districts of various classes with reference to their being officered by medical men of particular denominations? Have Government built their own hospitals for these men in all places?

Mr. G. S. Bajpai: (a) The question is not understood.

(b) and (c). The Honourable Member's attention is invited to the Press Communiqué issued by the Government of India on the 10th May, 1928. A more recent list of the posts reserved for officers of the Indian Medical Service is contained in the Home Department Notification No. F. 245/33, dated the 25th September, 1933. Copies of both these documents will be found in the Library of the House. No officer is transferred to civil employment in a province without the consent of the

Local Government. As regards the last part of (c), the Government of India have no information regarding the position in the provinces. Information, as to the authority or authorities by which hospitals in directly administered areas in charge of Indian Medical Service officers were constructed, is not readily available.

SIGNING OF PLEDGES BY INDIAN ENTRANTS TO THE PERMANENT INDIAN MEDICAL SERVICE.

44. Rao Bahadur M. C. Rajah: Can Local Governments choose Indian officers of the Indian Medical Service in preference to non-Indians in posts reserved for the latter? Are Indian entrants to the permanent Indian Medical Service cadre being asked to sign pledges, while the non-Indians are not so asked?

Mr. G. R. F. Tottenham: The reply to the first part of the question is that ordinarily Local Governments cannot choose Indian Officers of the Indian Medical Service in preference to non-Indians in posts reserved for the latter; but, if a suitable British officer is not available, an Indian officer may be, and often has been, appointed to a reserved post.

The reply to the second part is that Indian Medical Service officers, whether Indians or non-Indians, are not required to sign any pledges.

INSTITUTION OF THE WOMEN'S MEDICAL SERVICE.

45. Rao Bahadur M. C. Rajah: (a) Has the Women's Medical Service been instituted directly by Government? Is it supported indirectly? Is the formulation of this service on lines analogous to the Indian Medical Service? If so, why?

(b) Do Government contemplate dividing India into reserved posts meant solely for incumbents of the Women's Medical Service? If so, do Government intend such reservations as a necessity for war purposes?

Mr. G. S. Bajpai: (a) The Women's Medical Service is under the direction and control of the National Association for Supplying Female Medical Aid to the Women of India, which is a private body and is known as the Countess of Dufferin's Fund. The Association receives a grant from Central Revenues.

(b) No.

INDIANS WITH INDIAN QUALIFICATIONS ENROLLED TO THE INDIAN MEDICAL SERVICE AND THE WOMEN'S MEDICAL SERVICE.

46. Rao Bahadur M. C. Rajah: How many Indians with purely Indian qualifications have been enrolled in the permanent cadre of the Indian Medical Service, and the Women's Medical Service during the last five years, in each year and for each service, respectively? Have any Indians, with graduate medical qualifications obtained in India, been refused consideration as applicants to these services solely because they had no higher degree than a graduate qualification? If so, do Government now propose to consider these qualifications as insufficient? If so, will Government please state their reasons, if any?

Mr. G. R. F. Tottenham: The answer to the first part of the question is that three Indians with purely Indian medical qualifications were

granted permanent Commissions in the Indian Medical Service in 1931; one each in 1930, 1932 and 1933; and none in 1929. No Indians with such qualifications have been appointed to the permanent cadre of the Women's Medical Service during the last five years.

The reply to the second part of the question is in the negative. The subsequent questions do not, therefore, arise.

ABOLITION OF COMPETITIVE EXAMINATION FOR ADMISSION TO THE INDIAN MEDICAL SERVICE.

47. Rao Bahadur M. C. Rajah: Will Government be pleased to state their reasons, if any, for abolishing competitive examinations for applicants to the permanent cadre of the Indian Medical Service? Have these examinations been abolished for any other All-India Services? Are there any reasons for preferring nominations to these posts? Do Government intend to give a fair chance to all competitors in the near future? If not, why not?

Mr. G. R. F. Tottenham: The answer to the first part of the question will be found in the speeches of Sir Ernest Burdon and Mr. Mackworth Young, as Army Secretaries, in the debates on this subject, which took place in the Legislative Assembly on the 2nd September, 1925, and the 28th January, 1930.

The answer to the second part of the question is in the negative.

The reasons regarding which information is asked for in the third part of the question will be found in the debates quoted above.

As regards the last two parts of the question, Government cannot admit that competitors do not possess a fair chance at present. In any case, they can see no possibility of reopening competitive examinations so long as the future of the Service under the new Constitution is under consideration and the prospects of securing adequate competition for the Service as a whole remain a matter of doubt.

MEMBERS OF THE INDIAN MEDICAL DEPARTMENT ATTACHED TO THE ROYAL ARMY MEDICAL CORPS.

48. Rao Bahadur M. C. Rajah: Will Government please state whether members of the Indian Medical Department attached to the Royal Army Medical Corps in India are on a different footing as regards their pay, denomination, etc., as compared to the Indian Medical Department members attached to the Indian Medical Service? Are the two branches confined to and reserved for different classes in India? If so, why? Will Government please state the number of officers enrolled from each of the two sections to the commissioned cadre of the Indian Medical Service?

Mr. G. R. F. Tottenham: The reply to the first part of the question is in the affirmative.

The reply to the second part is also in the affirmative. The reason is that the Assistant Surgeons' branch is recruited for duty with British troops while the Sub-Assistant Surgeons' branch serves with the Indian Army.

The reply to the last part of the question is that four Assistant Surgeons, possessing the requisite medical qualifications, have been appointed to the Indian Medical Service. No Sub-Assistant Surgeons have been so appointed, because none possessed the required medical qualifications.

REVIVAL OF THE CENTRAL ADVISORY BOARD OF EDUCATION IN INDIA.

49. **Dr. Ziauddin Ahmad:** (a) Is it a fact that the Honcurable Sir Frank Noyce on behalf of Government said on the 16th February, 1932, that the Government of India have accepted and are prepared to act on the recommendations of the Hartog Committee about the establishment of Advisory Board?

(b) Is it a fact that Government have recognised the necessity for the resuscitation of the Advisory Board?

(c) Is it not a fact that Government are committed to establish this Board as soon as financial conditions improve?

(d) What is the estimate of expenditure on the establishment of the Advisory Board?

(e) When do Government propose to establish the Advisory Board?

Mr. G. S. Bajpai: (a) Yes.

(b) Yes.

(c) Yes.

(d) Rs. 45,000 annually, rising to Rs. 59,000.

(e) As soon as financial circumstances permit.

TRANSFERS OF STAFF ON THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

50. **Khan Bahadur Haji Wajihuddin:** (a) Has the attention of Government been drawn to an article published in the *Railway Times*, Bombay, on the 15th July 1933, under the heading "Rolling Stone gathers no moss"?

(b) Will Government be pleased to state if it is a fact that the Moradabad Division of the East Indian Railway tops the list in respect of transfers especially of staff placed under Assistant Superintendent, Commercial?

(c) Will Government be pleased to state:

(i) if there is any rule under which an employee should or should not be kept as far as possible near to his home station;

(ii) whether particular classes of employees are subjected to this treatment of constant shiftings, or all?

(d) Are Government aware that these transfers entail hardships on the employees specially those who are not provided with quarters by the Railway, whether free or on rent, and also that the education of their children suffers as a result of these changes?

(e) Are Government prepared to see that definite reasons for effecting the transfers are communicated to the employees to enable them to be satisfied that the hardships entailed by these shiftings are rightly based on administrative reasons?

Mr. P. R. Rau: (a) Yes.

(b) to (e). Full powers regarding the transfer of staff from one station to another have been delegated to the Railway Administration, and Government are not prepared to interfere. The question has, however, been sent to the Agent, East Indian Railway, for consideration of the suggestion made.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to starred questions, No. 1173, asked by Sardar Sant Singh on the 27th November 1933, and to No. 1436, asked by Mr. Bhuput Sing on the 16th December, 1933.

FLUCTUATION IN THE PRICE OF PETROL IN DELHI.

*1173. (a) The reply to the first part is in the affirmative. As regards the latter part, the Honourable Member is referred to the reply given by me to his starred question No. 460 on the 4th September, 1933.

(b) No such instructions have been issued.

(c) Licences for petrol pumps are issued without preference being given to any particular firm. During 1933, six applications have been sanctioned by the Delhi Municipal Committee for the erection of Russian petrol pumps within their boundaries and one by the New Delhi Municipal Committee. Permission has been refused only in one case for the installation of a pump on Queen's Road, Delhi, on the ground that it is not desirable to allow further pumps to be installed on that road.

REFUSAL OF FACILITIES FOR THE IMPORT AND SALE OF RUSSIAN PETROL IN DELHI.

*1436. (a) Enquiries have been made and the New Delhi Municipal Committee report that a site was allotted to the Chief Agent to the Central Petroleum Distributing Company near Connaught Place, New Delhi, on the 13th September, 1933. His second application for three more sites is under consideration. This Company, it is believed, deals in Russian Petrol. No action has yet been taken by the Company to instal a petrol pump and kiosk on the site allotted to them.

The Delhi Municipal Committee sanctioned six applications during 1933, for the erection of petrol pumps within their boundaries to the Agents for Russian petrol. Permission has been refused in one case by the District Magistrate on the ground that it has been the policy during the last two or three years to refuse further applications for the erection of petrol pumps on Queen's Road. Six further applications of Agents for Russian petrol are pending with the Delhi Municipal Committee.

(b) No. The New Delhi, Municipal Committee report that no application for a site has been received from the Burma Oil Company since the 13th September, 1933, and no application from this Company has been received by the Delhi Municipal Committee since the 1st March, 1933.

(c) The position stated appears to be substantially correct.

(d) and (e) The Government of India have no information but they will be prepared to make the necessary enquiries if any specific instances are quoted by the Honourable Member.

(f) No obstructions are being placed in the way of import and sale of Russian petrol.

(g) Does not arise.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to unstarred question No. 12, asked by Mr. S. C. Mitra, on the 30th January, 1934.

NON-OBSERVANCE OF HOLIDAY ON ACCOUNT OF THE JAGADDHATRI PUJA IN THE
GOVERNMENT TEST HOUSE, ALIPORE.

12. (a) The Honourable Member's information is correct.

(b) Gazetted holidays pertaining to all communities are allowed at the Government Test House as far as possible, but it is always open to the head of an office to cancel a holiday if the state of work demands, as was the case in the instance referred to by the Honourable Member.

(c) The Head of the Government Test House is a European officer. Of the remaining four officers two are Hindus and two non-Hindus.

Mr. B. J. Glancy (Political Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1355, asked by Mr. Gaya Prasad Singh on the 11th December, 1933, and to starred questions Nos. 1449 and 1450, asked by Mr. M. Maswood Ahmad, and to No. 1451, asked by Maulvi Muhammad Shafee Daoodi on the 20th December, 1933.

SMUGGLING OF ARMS INTO INDIA FROM AFGHANISTAN.

*1355. By India the Honourable Member presumably means British India and not tribal territory where the Indian Arms Act is not in force. This tribal territory in practically all parts of the Frontier separates Afghanistan from British India, and it is a fact that a considerable number of weapons are brought from Afghanistan into tribal territory. Some of these are no doubt imported illegally into British territory, but Government have no reason to think that such importation is systematic or on a large scale. Every possible effort is made by the police and by the Frontier Constabulary to check this form of smuggling.

RESTRICTIONS ON THE PUBLICATION OF A VERNACULAR WEEKLY NEWSPAPER
IN BALUCHISTAN.

*1449. (a) and (b). Yes.

(c) Yes. Permission was given on such terms in accordance with orders regulating the publication of newspapers and printed books in territories administered by the Governor-General in Council beyond British India.

(d) and (e). The Government of India feel that special measures of control over the Press are required in Baluchistan owing to the inflammable nature of the tribal population. They are therefore reluctant to interfere with the discretion of the Local Administration who are responsible for maintaining the peace. They will however take up with the Local authorities the question whether less drastic conditions could not be applied in future to requests for permission to publish and edit newspapers in Quetta.

RESTRICTIONS ON THE PUBLICATION OF A VERNACULAR WEEKLY NEWSPAPER
IN BALUCHISTAN.

*1450. (a) Application was made by Abdus Samad, Achakzai, of Gulistan.

(b) Yes.

(c) No application was made to the Political Agent, Quetta, for a copy. The Extra Assistant Commissioner in whose jurisdiction Gulistan lies was instructed to inform the applicant that the permission asked for could not be granted.

(d) As explained in the latter part of the reply to Question No. 1449 put by the Honourable Member Government are proposing to take up the question with the Local Administration.

RESTRICTIONS ON THE PUBLICATION OF A VERNACULAR WEEKLY NEWSPAPER IN BALUCHISTAN.

*1451. The Honourable Member's attention is invited to the replies given to Questions Nos. 1449 and 1450 asked by Mr. M. Maswood Ahmad.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 461 to 472 and 475 asked by Sardar Sant Singh on the 4th September, 1933;
- (ii) the information promised in reply to unstarred question No. 70 asked by Mr. S. G. Jog on the 13th September, 1933;
- (iii) the information promised in reply to starred question No. 1088, asked by Rai Bahadur Kunwar Raghubir Singh on the 21st November, 1933; and
- (iv) the information promised in reply to starred question No. 64, asked by Rao Bahadur M. C. Rajah on the 30th January, 1934.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*461. (a) I understand that no records relating to the formation, organisation and control of the Ticket Travelling Examiners' cadre in 1912 with the reasons for the transfer of their organisation and control to Traffic in 1915 are at present available.

(b) No. I am informed that the re-transfer of control from Traffic to Audit in 1916 was the outcome of a change of procedure in the collection, check and audit of tickets.

CREW SYSTEM ON THE NORTH WESTERN RAILWAY.

*462. (a) and (b). The Agent, North-Western Railway reports that a crew system was introduced in the Lahore District as an experimental measure at the end of 1922, but was discontinued in February, 1924, as it was expensive, though a modified system with 2 men per train was continued for some time further.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*463. (a) The reply to the first part of the question is in the affirmative. As regards the second part, I would refer the Honourable Member to the reply given to part (c) of question No. 889, asked by Bhai Parma Nand on the 23rd March, 1932.

(b) Yes.

(c) The Agent, was informed that the Railway Board had come to the conclusion that it was better to leave the control of Travelling Ticket Examiners under Audit, at any rate until the question of separating Accounts from Audit on all railways had been decided.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*464. (a) I am not aware of any orders issued by the Railway Board on the subject.

(b) No. The step was taken after mature deliberation. The orders of the Railway Board were obtained in 1927, to Travelling Ticket Examiners employed on 4 Divisions being placed under the control of the Chief Commercial Manager as an experimental measure. In April, 1928, the Auditor General asked that arrangements should be made

to relieve the Audit Department altogether of these duties, and the Railway Board authorised the present arrangement.

(c) and (d). The Committee referred to was appointed to advise on the organisation and control of all ticket checking staff. The terms of reference also included the consideration of the emoluments of the staff. Government regret their inability to place on the table a copy of the report of departmental committees.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*465. (a) No. Checking by Special Ticket Examiners had been on trial since July 1926, i.e., long before the transfer of the Travelling Ticket Examiners from Audit to Traffic.

(i) and (ii). The main purpose of the appointment of S. T. Es. was to provide a mobile staff who would exercise an efficient check at stations with a view to preventing ticketless passengers from commencing a journey, and the Administration is satisfied that they justified their appointment.

(b) No. The men were reverted to their original posts in order to reduce establishment charges

ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*466. (a) The Travelling Ticket Examiners cadre was abolished on the 1st June 1931, to secure permanent economy without detriment to efficiency.

The reply to the second part of this question is in the affirmative.

(b) Prior to the abolition of the Travelling Ticket Examiners cadre on the 1st June, 1931, the total strength of Travelling Ticket Examiners and S. T. Es. was 203. The strength of the new cadre of S. T. Es. was fixed at 206. In 1933 an addition of 30 S. T. Es. was made on the Lahore Division in order to test whether an increase in the cadre of S. T. Es. would be likely to prove profitable to the Administration. The majority of these additional S. T. Es. were found from surplus staff and the remainder from retrenched staff.

SPECIAL AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*467. Yes.

(i) and (ii). No such sanction was accorded by the Agent, North-Western Railway. A reference is invited to the reply given to question No. 466.

NORTH WESTERN RAILWAY DIVISIONAL PERSONNEL OFFICERS' CONFERENCE.

*468. (a) and (b). I give below the names of the officers who attended the Conference, seven of whom belong to the Transportation (Traffic) and Commercial Branch :

1. Mr. M. S. Gregory.
2. Mr. S. P. Manning.
3. Mr. E. D. Few.
4. Mr. A. N. Sud
5. Mr. W. S. Aggarwal.
6. Captain K. M. Simner.
7. Mr. B. L. Cameron.†
8. Mr. Z. H. Khan.†
9. Mr. T. B. Chandwani.†
10. M. S. Malik.†
11. Mr. J. W. Henderson.†
12. Sardar W. M. Khan.†
13. Mr. W. H. Brown.†

†Belong to the Transportation (Traffic) and Commercial Branch.

ABOLITION OF THE CADRE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*469. (a) The answer to the first part of the question is in the affirmative.

The Agent reports that the new system with its better control and supervision ensures a more thorough and effective check than was previously made by Travelling Ticket Examiners.

(b) No.

GROUP SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

*470. (a) A reference is invited to the reply given to part (a) of Question No. 469.

(b) Yes.

(c) The Agent informed his Divisional Superintendents that there was no objection to the S. T. Es. in each group working singly whenever this was considered expedient; but it was also made clear that these men when working singly would still remain under the orders of their group-in-charge.

No such letter as No. 173-M. C., dated the 27th November 1932 can be traced as having been issued from the office of the Agent, North Western Railway.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*471. Yes.

(a) Checking tickets of passengers in trains and collecting excess fares from such passengers travelling without tickets.

(b) The papers containing this information are not now available.

(c) Programmes were prepared by the Superintendent under the supervision of the Assistant Accounts Officer in charge of the Branch.

(d) The mileage allowance was the same as for guards.

ORGANIZATION AND CONTROL OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

*472. Yes.

(a) After a careful consideration of the whole question, Government came to the conclusion that there was no justification for treating ticket inspecting or examining staff as running staff and continuing to them the mileage allowance they were formerly in receipt of.

(b) and (d). The staff formerly designated as Travelling Ticket Examiners checked tickets of passengers on trains only. The staff now designated as S. T. Es. check tickets on trains as well as at stations.

(c) Running duty, in contradistinction to stationary duty, means duty performed by staff who are directly connected with the charge of a moving train.

NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

*475. The reply to the first part of this question is in the negative.

(a) to (c). Do not arise.

(d) A division is divided into convenient sections to each of which a group of S. T. Es. consisting of four men and a group in charge is detailed for 3 months. There are also flying groups consisting of the same number who do surprise checks either of individual trains or of individual stations.

DEMOTION OF CERTAIN DRIVERS OF THE GREAT INDIAN PENINSULA RAILWAY.

70. (a) to (c). The Agent Great Indian Peninsula Railway reports that the Drivers referred to were demoted to 'C' Grade during the first half of the year 1931, but have now been reinstated, and that the reply to parts (b) and (c) of the question is in the negative.

(d) This does not now arise.

ABSENCE OF WAITING ROOMS AT RAJGHAT STATION, EAST INDIAN RAILWAY.

*1088. (a) and (b). Government have been informed that Rajghat station is visited annually by a fairly large number of pilgrims, and that there are at present no waiting rooms for 1st, 2nd or inter class passengers. Records of passenger traffic at this station during the last three years show that the number of 1st and 2nd class passengers using it is insufficient to justify the provision of waiting rooms for them. Although the number of Inter class passengers is large enough to justify the provision of a waiting room of that class, funds for its construction are not available at present. The matter will receive due consideration when the financial position improves.

OVERCROWDING OF THE PRINCIPAL TRAINS ON THE METRE GAUGE SECTIONS OF THE SOUTH INDIAN RAILWAY.

*64. (a) The reply is in the negative.

(b) Yes, in some of the older types of III class corridor stock.

(c) Yes—on the Bombay, Baroda and Central India, Bengal and North Western, Eastern Bengal, Madras and Southern Mahratta and Assam Bengal Railways.

(d) The Agent, South Indian Railway states that carriages provided with two-seater benches are not usually utilised on important main line trains and that steps are being taken to replace them by the latest type of 3rd class carriages when they are condemned or pass their time limit.

'THE INDIAN TARIFF' (AMENDMENT) BILL.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the other day, there was a certain advertisement about cholera pills, and it was questioned whether, by eating those pills cholera

would be cured or it would be invited. The same is the case with our Commerce Department. It is a sporting question whether the Commerce Department is intended to promote commerce or to stop commerce. Looking into the figures, we find that the volume of trade is continually diminishing during the last five years. I notice that in 1929-30 the volume of trade was 520 crores, next year it fell down to 400 and then to 292, and last year it was only 271 crores. If the volume of trade is diminishing and the Honourable the Commerce Member does not take any effective measure to stop the fall, he might at least have some mercy on his twin son, *i.e.*, the Railway Department, because a diminution of the volume of trade would substantially affect the income of the Railway Department. This is at least the thing which I was thinking he would do. The only answer which I expect the Commerce Member will give will be that he is helpless in this matter, that it is due to world depression and to forces of nature over which he has no control. But if we give ourselves up to forces of nature and do not exert ourselves, then I ask the same sporting question, *i.e.*, what is the use of maintaining a costly Department if the Department leaves the whole thing to the forces of nature, and general conditions of the world.

As regards protection, I will say at the outset that the whole world has now adopted the policy of protection. The days of free trade are gone. Mr. Joseph Chamberlain no doubt at one time, when I was a student in England, advocated the theory of free trade, and his famous speech about two loaves of bread in his two hands which he delivered in Manchester is still ringing in my ears. But those days are gone and the world has accepted the theory of protection, and each and every Member in this House has accepted that theory, provided it is real protection and not duty levied under the false name of protection. Protection must be protection and nothing else. As I was saying there is one thing which is missing in the administration of the Commerce Department, and that is this: they have not a strong advisory committee consisting of business men; such an advisory committee is always useful. They may not always accept the advice of this committee, but they ought to have at their service the advice of very good and experienced business men. What happens at present is that certain representatives of industry have got access to the Commerce Department and other industries are comparatively unfortunate in not having equally strong advocates, and they naturally suffer. I think if a committee of this kind be instituted and its advice is invited in all important matters, then some of the mistakes might possibly have been avoided

Mr. N. M. Joshi (Nominated Non-Official): There is the Standing Advisory Committee for the Department!

Dr Ziauddin Ahmad: I said a standing advisory committee of business men, not of the Legislature. If we protect a particular industry, then it is our duty to see that the protection is complete and that the industry is really protected. But we should also see that the consumers are not unduly taxed on account of this protection. We should also see that the people of the country, the agriculturists and labourers, in whose interest the protection is primarily given, are benefited by it. I will take the case of the sugar factories. We gave protection, and I say rightly, to sugar, but unfortunately the price of

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sugar is controlled not by the prices at which the Indian factories manufacture sugar, but by the prices of the imported sugar after paying heavy duty and freight. There are any number of factories in a place like Pilibhit, but the prices at which sugar is sold at Pilibhit are not the prices at which the sugar is manufactured there, but the prices at which Java sugar would be sold at that place after having all these customs duties and freight from Calcutta to Pilibhit. The result is that the consumers are taxed unnecessarily for the benefit of capitalists. But the Commerce Member will only say, as he said before, that when a larger number of factories are established and when India is able to produce the entire amount of sugar required, then the mutual competition will be very strong and the prices will go down. This may be true, but how long will it take? It may take many years and during this interval the consumers will have to pay an exorbitant price.

Another point which we ought to consider is what is the profit which these protected industries are now making. I think if the Honourable the Commerce Member collects statistics about these sugar factories, he will find that their profit in very many cases ranges between 50 and 150 per cent. Are we really justified in giving protection merely to benefit these capitalists? No advantage is gained by the poor cultivators for whose benefit protection was given: they get very uneconomic prices for their sugar-cane, and the manufacturers pay them less price for their sugar-cane than for fuel in the locality. I, therefore, say that if protection is given, it is the bounden duty of the Government, which give the protection, to see that the protection is not used to the great disadvantage of the consumers, and that it is not used mainly and primarily for the benefit of the capitalists, but that the cultivators and labourers and the poorer people are benefited. I do not mind taxing the consumers, provided the benefit of the taxation goes to the poorer people; but I would strongly object to any kind of taxation which is intended for the benefit of capitalists alone. Therefore, though we strongly advocate the principle of protection, whenever it is applied to any particular industry, it ought to be shown on the floor of the House that by that protection the poorer classes of the people will be benefited . . .

Bhai Parma Nand (Ambala Division: Non-Muhammadan): How long is it that protection has been given to sugar? Is it very long? It is only a few months—15 months or so; that is all.

Dr. Ziauddin Ahmad: I am only considering the principles which ought to be laid down, that is, whenever protection is given, the Government of India ought to see every year that the benefit does not go to the capitalists alone, but also in some measure to the poorer people: statistics should be collected year after year and the report should be laid before the House in the case of all these protected industries: they cannot levy a tax on the consumers for nothing when we levy a tax, we should satisfy the consumers that the duty imposed upon them is not for the benefit of the capitalists only, but for the benefit of the poorer people . . .

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): But, is it possible in a Tariff Bill to make a provision that the producers of the raw material or labour should get a share of the benefit given by protection?

Dr. Ziauddin Ahmad: When you are levying a duty, we ought to accept certain principles before we proceed to legislation; otherwise we should refuse to pass such legislation. I am really trying to make out a case that we should refuse to consider this Bill unless these provisions are made. . . .

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan: Rural): What provisions? Is sugar included in this Bill?

Dr. Ziauddin Ahmad: I merely cite sugar as an illustration. We are told that the duty imposed by this Bill is not a protective duty. That is what the Honourable the Commerce Member said on the floor of this House. He also said that it is not a revenue duty. But he said it is intended to restore the same competitive conditions which existed some years ago. That is the point we are going to consider. In this connection, Sir, I think there are one or two relevant questions which we ought to consider. In the first place, the Bill that is before us is due to the depreciation of currency in Japan, with the result that Japan has been able to send out to India enormous quantities of her goods. Is it or is it not the case? I think there can be only one answer to this question that this is the case. From this it follows very clearly that the export of Japan has enormously increased on account of the depreciation of her currency, that is to say, the import of India is really the export of Japan. Then does it not follow from this that had we depreciated our currency, we should also have been able to send out large quantities of our goods as Japan has done and is doing? Therefore, this is an inevitable conclusion that the depreciation of our currency would necessarily lead to improve the export of our country. We have been appealing time after time on the floor of this House that our export trade should be increased so that we may be able to pay 73 crores of rupees which we have to pay to England every year by our balance of trade, by means of our goods; and, to achieve our object, we implored time after time that our ratio, which is really too high, should be devalued so that our exports may increase. But, Sir, the Government were not convinced of our arguments, and when the Honourable the Commerce Member laid this Bill before the House, I thought that he must at least have been convinced in his own mind that the increase in the exports of Japan were due mainly to the depreciation of her currency, for, if that were not so, this Bill would not have been necessary, and he would have voted with us when the question of 1s 4d ratio was discussed and not with the Government. Sir, I feel that his voting with the Government and supporting 1s. 6d. at that time and bringing forward this Bill almost soon after is an action which is unintelligible. Had we accepted the principle of the depreciation of our currency, this particular Tariff Bill which is now before us would not have come before us at all, because the whole question would not have arisen. Even if we insist, though unreasonably, illogically and with all the other adverbs, that may be added synonymously to continue the ratio of 1s. 6d., and if we still have to face the depreciated currency in the case of Japanese goods, then, I ask, why do you pick up salient articles and apply different principles, why not apply one formula for all the goods that are coming from Japan? Instead of going through all the details item by item, it would have been necessary to have only a one-clause Bill. The currency of Japan some years ago valued 137 rupees, and now it is 80. This really means that some years ago goods worth 100 yens could be purchased by India at Rs. 137, and now you can purchase the same goods for Rs. 80

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only, and, therefore, if we have to pay the *ad valorem* duty, say, Rs. 25 per cent. then it really means that, for an article costing 100 yens, you would have paid Rs. 34 had the yen not depreciated, and we now pay only Rs. 20. The Exchequer loses Rs. 14. One formula alone would have been necessary, namely, for the purposes of *ad valorem* calculation 100 yens should always be considered as equivalent to Rs. 137 and not the current rate of exchange. Therefore, one single Bill might have been sufficient for all these things, and the Bill should have contained a provision to the effect that, in regard to countries which have a depreciated currency, the exchange in terms of rupees should not be at the present market rate, but it should be at the standard rate specified in the Bill itself, and if Government had applied that one formula to meet the depreciation, then all difficulties would have been solved. Suppose tomorrow Japan continued to depreciate her currency further, again the difficulty will arise and I do not know how we could meet it, but if we applied the principle of fixing the taxation at a standard rate of currency, the whole question would have been solved and solved definitely, and the presentation of this measure or of any other measure analogous to this or even a continuous discussion of these things would have been unnecessary. Therefore, Sir, I requested on the last occasion, and I also request today, that we ought to adopt this particular formula by means of which all the articles that come from Japan would be equally affected.

Then, Sir, with regard to the specific articles mentioned in this Bill. I feel we do require certain information. We are all interested in and affected by the protection, and, therefore, it is very necessary that certain things should have been mentioned, certain information should have been placed before us. For instance, take any particular industry, say Chinaware. In this case we ought to have been supplied with information as to how many factories there are in India, how much dividend they are declaring, what is their output at present; we should also know what is the total consumption of goods per year in the whole of India, how much Chinaware is imported into this country, and by means of this protection how many years it would take for us to manufacture the whole quantity of goods required for this country. These are matters which ought to have been discussed and which ought to have been laid before us before protection could be advocated. The Honourable Member may say that he does not want protection at all. If that is so, then the whole object for which we are fighting will be defeated. These materials which should have been supplied to us have not been placed before us, and it is unfortunate that we have been discussing these things in air. We have been discussing the matter without sufficient data before us. Take as an illustration the hosiery industry. We have a Tariff Board Report on this, but the Report was not available to the Members of this House, though, of course, now it has been supplied to us. I feel that it is somewhat unfair that such important materials were withheld from us, because, in the absence of this valuable material, we do not know the position of the industry in this country, we do not know how long it would take for us to capture the entire trade, and whether the amount of protection now given, or rather the duty that is now imposed is sufficient to afford the necessary protection. Of course, Government would have got all the information, but when they ask us to vote in favour of this measure, we cannot give our votes conscientiously without going into the facts and without being convinced that the thing is necessary.

There is one thing to which I should like to draw the attention of the House and that is that this specific duty of so much a dozen or so much a weight is applied only to non-British goods and not to British goods. That is very clear. Is it not a fact?

The Honourable Sir Joseph Bhoré: Are you referring to hosiery?

Dr. Ziauddin Ahmad: I am talking of the items in this Bill, not to any particular item.

The Honourable Sir Joseph Bhoré: My Honourable friend must realise that I shall have to go through the whole Bill in order to reply to his question, but my own feeling is that there are obviously cases in which specific duties are applied, one example of which is, for instance, cotton piecegoods.

Dr. Ziauddin Ahmad: Cotton piecegoods do not come under this Bill. I am talking of the Bill which is now before us. For instance, taking pages 3, 4 and 5 of the Bill, we have got five columns. The first column refers to the number of the article, the second column to the name of the article, the third column to the standard rate of duty, the next column is the column for British goods only. Take item No. 20 of the Bill on page 4. You will find in the case of non-British goods, the duty is 30 per cent. or eighteen annas per dozen, whichever is higher, but there is no specific duty mentioned in the case of British goods. It is, therefore, evident that the whole of. . . .

The Honourable Sir Joseph Bhoré: There is a case I can give on page 3 of the Bill, item No. 14,—the case of heavy chemicals. The duty is one rupee and five annas per cwt. or 25 per cent *ad valorem*, whichever is higher. You will find that the specific duty is applicable to goods from all countries.

Dr. Ziauddin Ahmad: Leaving out that particular item, take items 18, 20, 21, 22, 24, and further on.

Mr. N. M. Joshi: May I ask whether this question of differential duties was not discussed at all in the Select Committee?

Dr. Ziauddin Ahmad: I frankly admit that it did not occur to us at the time, nor was this mentioned to us.

Mr. N. M. Joshi: The differential rates exist in the Bill itself and I am surprised that you did not notice it.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member should continue his speech.

Dr. Ziauddin Ahmad: I frankly admit that I noticed it only after I had deposited my minute of dissent. But it is a fact that the specific duties provided in the Bill apply only to non-British goods and not to British goods. How it would affect, I would give an illustration; I will not enter into details of any particular commodity. Let me illustrate this by one instance, and that is the question of plates. Here I have got a specimen plate which is imported from Japan. The value of this plate is one rupee a dozen. The specific duty under this Bill is one rupee per

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dozen, and so the price of the plate will be two rupees per dozen. There is another plate here which does not come from Japan, but from other places. The value of this plate is Rs. 1-12-0 per dozen, but the duty is not one rupee, but it is 20 per cent. *ad valorem*, and that is annas six only, and so the total cost will be Rs. 2-2-0. Therefore, by putting on a specific duty of one rupee per dozen on a plate, you raise the value to Rs. 2, and, on another plate of the same pattern, the value has been raised only from Rs. 1-12-0 to Rs. 2-2-0. Now, coming to our own manufacture in this country, the price is Rs. 4-8-0 per dozen, and, therefore, it must be evident that our manufacturers will not be benefited, because their selling price is Rs. 4-8-0, but only those countries will be benefited to whom the specific duty is not applicable.

An Honourable Member: But the Japanese plates will still sell cheaper.

Dr. Ziauddin Ahmad: I do not want to discuss the thing in detail, because we shall deal with each item separately afterwards. But the principle which I notice in this Bill is this that the specific duty, as provided in this Bill, is not sufficiently high to protect our Indian industries. The duties should have been sufficiently high to protect the Indian industry and the condition which I have enumerated in the case of sugar ought to have been imposed in this case also, that is, a periodical examination, but it is not the case now. Take the case of hosiery again. We were told by a number of manufacturers that unless you levy a duty of one rupee per lb. it will not be sufficient to help the home industry. My Honourable friend, Mr. Pandya, has received a letter from the Southern India Chamber of Commerce in which they say:

"In continuation of my letter No. G.-100, dated the 30th instant, I beg to inform you that my Committee have examined the original invoice No. 90 of Messrs. J. Rustomji and Co., Kobe, Japan, dated 2nd August, 1933, relating to 10 cases of Japanese Cotton Hosiery Undervests shipped to Bombay. A true copy of the original invoice is enclosed for your kind inspection.

From this invoice will be seen that the importers' price C. I. F., Bombay in Indian currency for this Japanese quality in assortment of 28, 30 and 32 sizes and 30, 32 and 34 sizes is only 2-55 yen per dozen which works out approximately to Rs. 2-0-0 per dozen on the basis of Rs. 80 per 100 yen. In our opinion this Japanese quality corresponds to the Indian quality K 8 manufactured by Messrs. The Madura Knitting Co., of Madura, South India. We have obtained the following figures from these manufacturers relating to their cost of K 8 quality today."

I need not go into the details, but the total cost price per dozen of K-8 quality comes to Rs. 5-5-0. Therefore, this is the price at which it is manufactured. If we give protection to hosiery, is it or is it not our duty to study very carefully at what economic price Indian manufacturers can manufacture hosiery in this country, and, after arriving at this figure, we ought to give protection so that we may be able to produce hosiery in India at an economic price. But if we do not give protection to the extent which is necessary for their production but give only half protection, then it is no protection at all. Give either full protection or no protection; this half protection has no meaning. If you give only half protection, the result will be that the prices of articles will be regulated by the price of the imported articles and the entire burden will fall on the consumers and the Indian manufacturers will not be benefited at all by it. The consumers will be very heavily taxed. A portion of their contribution may go to the Government, but the manufacturers here will not be a gainer.

The principle which I want to emphasize very strongly is this. If you want to protect any particular industry, give it sufficient protection and impose the necessary conditions, so that they may be able to capture the entire industry of that country. If that is not possible, do not unnecessarily impose additional burdens on the consumer. There is one other danger. We pass a Bill for protecting a particular industry and we think we have done our duty. What happens is that the foreign companies establish their own factories here and they kill all our cottage industries. Take the case of Bata. It is a Czecho-Slovakian firm which has got branches all over this country and they are killing our cottage industries. Then there is Vimco. It is a Swedish Company, run with foreign capital, and it is killing the cottage match industries established in this country. Also take Carreras, the cigarette manufacturing company. Then there is another Unilever soap factory in the vicinity of Bombay which is likely to capture the whole of the soap industry. If this Bill is allowed to be passed, then Japan will establish big factories for making hosiery, and those persons, whom this Bill is intended to protect, will not really be protected and Japan will be creating conditions under which Indian manufacturers will not be able to compete. Take the case of the textile industry in Shanghai. There several nations established their factories, but ultimately the entire trade was captured by the Japanese who have a great advantage over others in that they use only one yarn, whereas other countries have got different kinds of yarn for different purposes, and, therefore, they are placed in a position of disadvantage. That is the point we have got to consider when we give protection. It is the duty of the Government to see that our own people are benefited and that no facilities are provided for the foreigners to establish their own factories and capture the entire trade and kill the home industries. As I said, we are in a very awkward position at present. We are going to pass this Bill without having sufficient material before us.

There is one point which I should like to bring out. We were told that the prices of these articles have fallen and I said that they had fallen in terms of a fictitious managed currency called the rupee. Looking at the question carefully, I maintain that the prices have not fallen. It is really a standing problem for India that the fall in agricultural products is much lower than the fall in the manufactured article. If we take no action to raise the price level of the agricultural products and make an attempt to raise the price level of manufactured products, then the purchasing power of the agriculturist will be hit very hard. I shall illustrate it by means of figures which will be very easily intelligible. I have got before me the Review of the Trade of India prepared by the Government of India. The comparative fall in prices of raw materials and the manufactured articles in India is given and the prices of the exported and the imported articles. In the year 1929, the price index of raw material was 217 and the price of imported articles was 157, and now, in the year 1933, one was 114 and the other is 131. What it really means is this. If the agriculturist wishes to purchase any of these manufactured articles, he brings in a certain amount of his agricultural products whose value in 1929 was Rs. 217. With this, he wanted to buy certain manufactured articles. Then he had to pay Rs. 167 for it and he kept Rs. 50 in his pocket. What is the position now? For the same quantity of agricultural products which he brought, he could only fetch Rs. 114. That is, instead of Rs. 217 he would fetch only Rs. 114, and then, for the same quantity of manufactured article, he will have to pay Rs. 131, that is Rs. 15 more. In other words, in 1929, from agricultural products he purchased certain quantities and kept Rs. 50 in his pocket, and now, for the same commodities, he has to pay Rs. 15 more out of his own

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pocket. One cannot say that these articles have been cheaper. In fact, they have become more expensive for agriculturists. We find that the prices of agricultural products has fallen by 47 per cent and the prices of the manufactured article by 22 per cent. only. That is, the fall in agricultural products is more than twice the fall in the case of manufactured articles. If you do not take into consideration the agricultural products, it is a process which will bring more misery to the country than the depression which we are labouring under. Our purchasing power, which is already low, will be lower still and this particular Bill which is now before us will make our position exceedingly difficult instead of giving any relief to the agriculturist class and it will create terrible trade depression.

Sir, I should like to mention one matter before I finish. I am sorry
12 Noon. Mr. Mody is not here. Now, my Honourable friend, Mr. Mody, brought forward an argument on the floor of the House: "What right have the consumers got to pay uneconomic value for the manufactured articles?" But he entirely forgot to consider "What right has he got to purchase cotton at uneconomic prices and what right has he got to purchase foodstuff at uneconomic prices?" (Hear, hear.) I am glad my friend, Mr. Mody, has come. Sir, the other day, he brought forward an argument: "What right have the consumers got to purchase any manufactured articles at uneconomic prices?" I would put it to him: "What right has he got to purchase cotton at uneconomic prices for his mill (Mr. H. P. Mody: "I do not"), and what right has he to purchase foodstuffs at uneconomic prices?" (Hear, hear.) Therefore, if the uneconomic prices have got to be balanced, you must begin with the agricultural products, and the manufactured goods should then come in afterwards.

Sir, I should like now to mention the case of hosiery at this stage, particularly for two reasons. This particular article is mentioned in two Bills, that is, in the old Tariff Bill and also in the new Tariff Bill and the incidence of taxation is different in the two cases. I agreed at one time that one system was better, but, then, afterwards, considering carefully the matter again, I changed my opinion and thought that probably the other thing would be better; but had I known that this basis would be introduced in the second Bill, then it would have been different. My reason is * that this particular commodity has been investigated by the Tariff Board and this is a commodity on which the question of protection has to be practically considered. In the other case, there is no demand that we are going to have protection, but in this case we want to grant protection. Therefore, I am very strongly in favour of protection, provided the protection is real and is not a deception. The other thing is that in the case of the second Bill we have given a time-limit that it will be enforced on a particular date. Here in this particular case there was nothing: all of a sudden the Bill was enforced and all articles numbering twenty-two were affected. In the case of the other articles, the increase in the customs duty was from twenty-five to thirty-five, but, in this particular case the increase goes up in some cases to 200, in some cases to 240 and in some cases to 260. Therefore, the sudden increase in this matter without a previous warning is a highway robbery. You put down a duty and say, "from tomorrow, it will apply". Of course, if it is for revenue purposes, you may be justified, because it is done for the public good, but if it is for protective purposes, then also, I can understand your position. It is neither for revenue purposes, nor for the protection of any article. Sir, the sudden raising of

the duty from 25 to 140 is a process which I do not know by what name to call.

Sir, before I sit down (*Honourable Members*: "Go on"), I should like to emphasize once more the points I have brought out and give a summary of the conclusions which my arguments lead up to. The duty imposed in this particular Bill is a duty which is not going to be imposed as a specific duty on British goods: it is only for non-British goods.

The Honourable Sir Joseph Bhore: Sir, that is quite untrue. Take hosiery, for instance, in which my Honourable friend is so deeply interested. You will find that the specific rates apply to everybody.

Dr. Ziauddin Ahmad: But not in the case of all the items. I am interested in all. For example, taking the case of hosiery on page two, if you will look into the Tariff Bill

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. This is purely a question of fact on which there need not be any argument and discussion. The scheme of tariffs followed in this Bill is not uniform. In certain cases, the specific duty is applicable to all goods from whatever country they come. In certain other cases, the specific duty is applicable only to non-British goods.

Dr. Ziauddin Ahmad: Thank you, Sir, for making the point clear. Sir, I maintain that this is not a protective duty. That, I think, has been admitted, because the duty can neither protect and does not aim at protection. The third point is that this is not a revenue duty. Had it been a revenue duty, it would have come into the Finance Bill at the usual time after the voting of the demands. It is really a duty imposed in order to raise the price level of manufactured articles under the false pretext that it is intended to protect some of these industries, and it is a false alarm. A good many of us, the Members of the Legislature, have received deputations, telegrams, memoranda, etc., from individuals pressing the rival claims of the portection and of consumers in hosiery, and we have not got sufficient data before us. The only conclusion we can derive from the statement of facts is that any protection under one rupee a pound will not be able to protect our industry, and I think if all these figures were laid before us, it would make the position clearer. I hope when we discuss the next Bill, we will be in a better position, if all these facts are brought out, to arrive at some equitable conclusion. With these words, Sir, I will conclude and say that it is high time that this thing should be carefully considered and we should not pass these items, item by item, unless the principles and the full implications and significance have been understood and clearly explained. (Applause.)

Mr. J. Ramsay Scott (United Provinces: European): Mr. President, I would like to congratulate the Government on the successful termination of the Indo-Japanese negotiations. We all know what an immense amount of extra work these negotiations have entailed on the Commerce Department and I should like to specially mention that the thanks of the country are due to the Honourable Sir Joseph Bhore, the Honourable Mr. T. A. Stewart and Dr. Meek, but if I had to award an apple to one of these three graces, I should be in a worse fix than the great Paris himself as I should probably have to award a Japanese apple, as I see from the papers that there have recently been large imports of apples from Japan. My Kulu

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friends and Kumaon constituents have asked for protection under the Safeguarding Act, but without avail. In a recent film I saw an old friend of mine, Mr. Stanley Bruce, presenting the Lord Mayor of London with the fruit of Australia for his Christmas pudding. There is much that might be done in this country to advertise our products and to help in the better marketing of them. Government themselves, according to their Yellow Book, have little information and this is a matter that the Imperial Council of Agriculture Research should take up, but, in the interests of the industry and of the country, I do ask Government to help and give protection.

Now, Sir, if I wanted to express my appreciation of the work of the three Government Graces in another form and wished to drink to their healths with a glass of beer, I should probably, in the near future, have to do so with Japanese beer, for the products of Murree and Solan are being ousted from the market. In the manufacture of Indian made beer, Indian agricultural products are used and no harmful ingredients or adulterants.

In this Bill it is noticeable that the policy of discrimination against Japan is *entirely* avoided and although the country gave the Government, last year, powers to discriminate in the Safeguarding of Industries Act, the Government have been prevented from their use by their Agreement with Japan. I do not here propose to discuss the rights or wrongs of this Agreement on this Bill, but we do consider that the 40 odd industries must be adequately safeguarded and, if in protecting them against the invasion of Japan, we do have to tread on other toes, it must be done if the object of the Safeguarding Act is to be obtained and the Act of last year is not to be a dead letter. The industries which have made out a case to Government for protection are not in this Bill sufficiently protected, but the Commerce Member has told us that we can put up no recommendations for higher duties than Government have themselves put forward. This is a very unsatisfactory state of affairs, and, however, much I may ventilate this grievance on the floor of this House, I am powerless under this Constitution to take any real steps to implement the half-hearted efforts of Government.

I now propose to deal with one or two industries within the purview of this Bill. Since the introduction of this Bill, hosiery has become an industry protected under the Tariff Board. The Tariff Board sat in 1932 and completed and signed their report on November 10, 1932. Government have, however, only issued their orders in February, 1934. Sir, this report has not improved with keeping, and the protection advocated has been denied the industry for over a year, *a year*, Sir, in which Japanese imports have reached their apex, and a year, Sir, in which the Indian industry has nearly been exterminated. Is it right, is it just for Government to have held their hand for so long before announcing their intention of coming to the rescue? The measures in this Bill are part of the recommendations of the Tariff Board, but they are hardly before us or considered before they have been altered and whittled down and now the new proposals called Tariff Board proposals are neither safeguards nor protection to the industry. The recommendation in this Bill is Rs. 1-8-0 per dozen on undervests which is based on the Tariff Board proposals. The incidence of the custom duty by this method falls heavily on the smaller sizes and if not high enough on the bigger sizes. I am personally in favour of a tax by weight as introduced in the new Bill, but the rate per lb. would have to be large enough to afford protection and, in my opinion, and that of the industry,

nothing less than 12 annas per lb. will be the slightest use. The Tariff Board in one of their recommendations also arrived at this figure.

The real danger in Japanese imports is that the bulk of undervests is lighter in weight than Indian made undervests, and, therefore, a higher duty is needed than would at first sight seem necessary. We must remember that *every* article imported replaces one made in this country, and, if the duty is on a poundage basis, the tendency will be for Japanese imports to get lighter in weight to escape the duty and I would like Government to again carefully examine the Tariff Board's remarks on this subject. With regard to socks and stockings, the average weight of a dozen pairs of socks is about 14 ounces, and the cost *c.i.f* about 14 annas per dozen. The specific duty at nine annas per lb. is, therefore, about eight annas per dozen pairs, making a total cost of Rs. 1-6-0 per dozen. The cost of socks manufactured in this country is about Rs. 1-15-0 per dozen pairs, so that the protection is not by any means adequate. Here also I should like to suggest a duty of 12 annas per lb. for plain and 14 annas per lb. on fancy.

Next we come to the fabric, cotton knitted fabric, which is not protected in this Bill, but receives protection under the Textiles Protection Act. Here we have the anomaly continued, for this knitted fabric is a cotton, piecegoods and should be protected to the extent of 50 per cent. You have heard, Sir, of woven fabrics such as cellular materials which are also used for undervests; well, Sir, a notification was issued the other day in which this material is dutiable as cotton piecegoods at 50 per cent. In my opinion, now that cotton hosiery is protected, all these inequalities ought to be corrected. Cotton knitted fabric in the piece ought to be treated as cotton piecegoods and come within the Japanese cotton piecegoods quota. A higher duty should be charged for dyed and bleached than for grey goods. I would suggest a duty of seven annas per lb. for grey and eight annas per lb. for bleached and coloured.

At the time the Tariff Board was making its recommendation, the yen was round about Rs. 90 per 100 yen, but when Government brought in their Bill on December 22, the yen was Rs. 79 per 100 yen, and *no allowance* has been made for the further depreciation. An opportunity should now be taken to correct the Tariff classifications and make them comprehensive. The Woollen Hosiery definition in clause 31 is *comprehensive* and knitted cotton apparel should be included here and also given a specific duty. Our Tariff Schedules and classifications at the present moment are a patch-work sort of affair. It wants a thorough good overhaul and a proper water-tight job made of it.

Now, I come to the woollen section in clause 31. The woollen industry was first established in Japan in 1876, mainly for the supply of Military and Naval requirements, and in 1929, apart from smaller concerns, there were five important companies with a paid up capital of £8,000,000. There had been for some years a large trade in the manufacture of muslin delaine mainly used for making kimonos, but the production of this cloth has been falling off since 1927 as the Japanese are adopting European clothing to a constantly increasing extent. The capital of these five large concerns shrank to about £4,500,000. A change came over the industry and the five principal companies in 1931 earned 25 per cent. and in 1932, 32 per cent., while one company, the Itami Cloth Company, earned 75 per cent.

The woollen industry in India is about the same size and has lost just as much capital in the last decade, but, owing to Japanese competition, it

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has not been able to pay any dividends on its ordinary share capital in the last three or four years.

The harmful part of the present competition is not so much the quantity of imports from Japan, but the quite unnecessarily low prices at which Japan sells her goods; prices which seriously disturb all the markets, not only of India, but of the world. The fault I have to find with clause 31 is that materials made from waste wool and shoddy are exempted from the specific duty. Heavy cloths such as overcoatings and cloth for menials and servants clothing have been made in large quantities in this country, all from Indian wool. This clause now encourages the importation of shoddy materials, materials made from rags and cast off clothing and other refuse. I might say *everything* cheap and nasty. These cloths at present come from the Continent, and although bright and attractive and nicely finished, have no wearing properties and no durability. Is it in the interests of the consumer that the market should be flooded with such materials and is it in the interests of the agriculturist that an outlet in India for the use of many thousands of lbs. of Indian wool should be closed? The mill industry at the present moment already have 75 per cent. of their plant idle and now the cottage industry will be killed. Have not Government Members noticed the many hundreds of Government *chaprassis* who occupy themselves in the hand spinning industry? Such yarn is woven into coarse materials with which imported shoddy articles compete.

There is also the case of the enamel industry. The Government suggested a small protection which, I was sorry to see, turned down in the Select Committee. The safeguarding of hollow-ware was originally in the Bill, and so, I presume that Government will be prepared to support their own provisions. The production of these factories working full time is about 10 lakhs worth, while the imports are twice as great. It does seem to me that it would not take long for the industry to hold its own against Japan if it were given a small protection. I know my Bengal friends will have much to say on this matter.

In conclusion, I would ask the Government to bear in mind that they cannot serve two masters, India and Japan, and as this Assembly has given them the power to safeguard India's industries, it is high time Government settled down to the job of adequately protecting India's industries. (Applause.)

U Ba Maung (Burma: Non-European): Sir, I wish to say something on this amended Bill which will apply to Burma as well when it is passed in this House. Sir, although I was not present at the sitting of the House when the Bill was referred to the Select Committee, yet I have already gone through the printed proceedings which took place at the beginning of this Session. In it, as far as I see, there are criticisms from two opposite quarters, that is, some Honourable Members sided with representatives of some industries, while some other Honourable Members sided with the representatives of importers. Sir, as for me or on behalf of the Burmese people, we belong to neither. Therefore, I will have to criticise this amended Bill from the view point of the agriculturists alone, and if I have to speak the truth, there is hardly any Burmese importer or Burmese industrialist who is concerned with this Bill. Moreover, the Members of the Tariff Board did not come to Burma, nor did they make any examination of witnesses from Burma, because there is hardly any article

as contained in the Bill, which is manufactured in Burma. But there is one small solitary undervest factory, whose supply is not in a position to meet the demand of the masses of Burma. Sir, even in this respect, I do not think that the Government do not intend to see any one who has a monopoly and help him at the expense of the consumers. Sir, with regard to the situation in Burma, I think every Honourable Member of this House knows that Burma is purely an agricultural and not an industrial country. As the economic depression is very acute at present, the price of agricultural produce has gone down considerably, the masses have been greatly affected already. It is a pity that the Government have not yet seen their way to raise the price level of agricultural produce and stabilise the same. If the Government take some steps for the control of agricultural produce, or its protection, or the introduction of an Agricultural Relief Bill, or at least any other means by which they can raise the economic status of the agriculturists, the people of Burma will be very grateful for such measures. Sir, in my humble opinion, if the Government see both the interest and welfare of manufacturers and agriculturists equally, I may say with certainty that this Bill will find an easy passage without any further amendments. As it is now, it looks as if the Government are interested in safeguarding the manufacturers and industrialists, while the welfare of the agriculturists have entirely been ignored. Sir, when this Bill was introduced on the 22nd December, 1933, and the people of Burma came to know about it, there was considerable agitation against the new specific duties which affected the barest necessities of life, and which the people could ill-afford to bear in their strained circumstances. Further, since my arrival in Delhi, I received a large number of telegrams, but it is not necessary to tire the House by reading them all. But I will read a few of them to enlighten the House with the public opinion of my country on this measure. In fact, I received telegrams from all parts of Burma, but I will read only those telegrams which I received from the principal towns of Burma. This is from Mandalay:

The citizens of Mandalay assembled in public meeting under the Chairmanship of U Ba U, Member, Legislative Council, resolved by an overwhelming majority that in view of Burma being an agricultural and not an industrial country consuming imported goods from overseas and devoid of mills to manufacture hosiery and other commodities in sufficient scales the proposed enhancement of import duty on foreign goods adversely affect the masses especially at a time of exceptional depression in paddy and other trades and it further resolved to request you to be good enough strongly to oppose the new Tariff Bill."

The next telegram is from Prome which is one of the three biggest towns in Burma, and it runs as follows:

"Owing to low prices of paddy and acute economic depression and in view of non-existence of industries in Burma producing hosiery and undershirts the new tariff wall is unjustified. Please put in Burma's strongest protest."

The next telegram is from Bassein:

"Whereas Burma not industrialist but agriculturist and whereas big drop in land values and price of paddy and consequently masses greatly affected with poverty and I strongly protest against rise in duty and new tariff."

The above telegram was from a mass meeting from Bassein. I have received altogether more than ten telegrams after I left Burma. Sir, the next important point I would, however, bring to the notice of the Honourable Members is that it is expected that Burma will soon be separated from

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British India and that the short interval, during which it is likely to remain part of British India, will not justify the imposition of the above mentioned tariff, from which Burma will derive no benefit.

Mr. S. G. Jog (Berar Representative): But the tariff will cease to exist as soon as Burma is separated.

U Ba Maung: On the contrary, such imposition would be not only unjust, but will give rise in Burma to legitimate discontent and will justify the prevailing belief that Burma is being ruled, not on its own interests, but in the interest of British India. Therefore, I believe, Sir, that the House will be pleased to see the justice and reasonableness of my above claim and I fervently hope that the House will exclude Burma from the operations of the proposed tariff duties mentioned in the Bill. This situation was brought by me to the notice of the Select Committee on this Bill and I am glad to see that some of the Honourable Members of the Select Committee have appreciated the justification of my contention and put down their minutes of dissent. The Burmese people and myself are deeply indebted to the Honourable Members. Dr. Ziauddin and Mr. S. C. Mitra, who say thus in their note of dissent at page 3 of the Select Committee's report:

"The Member representing Burma claimed entire exemption from specific duty, for the following reasons :

1. Burma is likely to be separated from India very soon.
2. The industry does not exist in Burma at all, the question of restoration of previous competitive conditions does not arise."

Sir, I have already given to the House the public opinion prevailing in Burma against such a protection and I believe there are no reasons for the Government of Burma to be of any different opinion. In this connection, if Burma is excluded from the operation of this amended Bill, there may be some apprehensions on the part of the Central Government that if articles are imported to Burma, they may be smuggled into British India. But the existing precautions by way of check by the Customs authorities is a complete answer to such a proposition.

The last point to which I wish to draw the attention of Government is that as the Government declare that the present measure is not from the revenue point of view, there seems to be no reason why any protection should be given with regard to articles which are not manufactured in Burma.

In conclusion, I need no more dilate on this point. I hope I have made clear to the House that Burma requires no such protection and I have every hope that this House will not support the imposition of fresh duty as contained in the Bill so far as Burma is concerned.

I think I have said enough and I do hope that Honourable Members will enlist their sympathy and support for my people who are mainly consumers.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, when I went through the report of the Select Committee, I found that out of a dozen members of the Committee, of whom eight were elected and four nominated Members, it was only one elected Member—who belongs

to my party—who did not sign a note of dissent. I was really surprised when I found that, in this report of the Select Committee which is to be accepted by this House as containing all the wisdom that can be expected of those men chosen by this Assembly, the members are not only not unanimous, but a majority of them are against this or that provision of the Bill as it is to be passed.

Mr. B. Das (Orissa Division: Non-Muhammadian): The majority are for the Bill.

Mr. Amar Nath Dutt: My Honourable friend says that the majority are for the Bill, but, if only he had taken a little trouble to go through the minutes of dissent, he would have found that the majority do not agree either here, there and almost everywhere. So I think I shall be perfectly justified in saying that the majority do not accept the provisions of the report of the Select Committee as a whole, and I think he cannot quarrel with me in this respect.

Sir, I find that the Bill was introduced on the 22nd December last and that certain protection is proposed to be given to hosiery and other articles. For hosiery my Honourable friend, Mr. Ghuznavi, wants exemption of the whole industry. I am sorry I cannot agree that the industry should be exempted wholly, but it appears to me that there is some justification in asking for not levying any duty on those articles which have already arrived and are in the warehouses. This seems to be rather a reasonable proposal and I think my friend, Mr. Mitra, also agrees in it. I do not know what can be the argument against it.

This, Sir, is a minor thing. The one thing about which I should like to speak is the omission of a particular class of article from the Bill which found a place in it in clause 18 and which forms article No. 184-A. But certain things have been omitted from it and that is domestic hollow-ware. Sir, there is an enamel industry in our country in its very infancy, but Honourable Members of this House will be surprised to see the quality and finish of the articles if they would only take the trouble of going a few paces from this place and see some of those articles placed near the Notice Office. If anybody wants to have samples here and if the President allows that, they can be brought up here also. Sir, there are about half a dozen firms which produce this article. Gentlemen, who went to far off countries and received education in this technical art, came here and started small factories with a small capital, and still this House will be surprised to hear of the achievement of those enterprising young men of our country. Sir, there is, close to Delhi, in that great city of Aligarh from which my Honourable friend, Dr. Ziauddin Ahmad, hails, an enamel factory owned by a Nawab. There is also an enamel factory, the Empire Enamel Works, started by a gentleman named Muhammad Abdul Karim who got his training in the Bengal Enamel Works. So, not only have the proprietors of the Bengal Enamel Works started their own factory, but they are trying to popularise this industry by teaching men of other provinces, as is seen here, who have started factories of their own. It has been said that the poorer classes will be hard hit if these industries were protected in the way proposed in the Bill. I must plead ignorance of the way in which the poorer classes live in Provinces other than Bengal, but I think I can speak with some knowledge of the poorer agriculturists of my province, at least of West Bengal. People who say that the poorer classes use enamel ware in larger quantities than other ware are not correct.

[Mr. Amar Nath Dutt.]

My friend behind me (Mr. Anwar-ul-Azim), who hails from East Bengal, which is not my part of the Province and who has knowledge about his part says that they use earthen ware; and in fact, the poorest in our country are so poor that they cannot afford to have any ware other than earthenware. The only other vessels they use is generally made of brass—a brass *lota* or a brass tumbler and perhaps one or two *thalis*. In the house of the poorest agriculturists, be he a Muhammadan or a Hindu, you will find these brass things. Enamel ware is used to a very small extent by the poorer classes, and when it is used, it is used to keep oil and things like that. Enamel ware is used more by the poorer middle classes than by anybody else; and if Honourable Members will compare the enamel ware imported into India with the stuff produced in Indian factories, they will find that the Indian made article is ten times more durable than the ones imported from foreign countries. The foreign article has a thin enamel coating which chips off very easily, and men who purchase the foreign stuff have to purchase it five or six times a year; while, in the case of the Indian made article, you will find that it will last for years. Considered from that point of view, therefore, it is ultimately cheaper. And if we give protection to this enamel industry, in the long run there will be competition in the Indian industry itself and the prices will go down and the poorer people will be able to get the articles at much cheaper prices than they can expect to get from foreign countries. As regards the quality of the goods, I think every one in this House knows the common saying among the industrial people: "It is not for us to see that the goods last long, because if you manufacture a thing which will last long, then you have no expectation of selling another article for years; that is not good business." Foreign importers are generally actuated by this sentiment of having more business by sending things which will not last long, but which will bring more money into their pockets in the shape of more orders. But in the case of the enamel ware that is being manufactured in India, they do not follow this business principle, which I characterise as an immoral principle on which no business can thrive in the long run. Be that as it may, I submit, it was rather curious to find the omission of a particular item from the original Bill with the connivance of some of the elected Members who ought to have the interests of their national industries at heart. How I wish that there had been a note of dissent by members of the Government. I do not know whether it is permissible or it is banned by the rules of conduct of a Government servant, to put in a note of dissent in a Bill which is in the Select Committee; but to me it appears that they can very well do it, when it is against the very Bill which they themselves have introduced, and nobody can accuse them that they were doing something at other's behest or bidding. That being so, I would have welcomed some observations from the Honourable the Commerce Member who happens to be the sponsor of this Bill and who, after due deliberation and carefully going through the report of the Tariff Board, came to the conclusion—and I think I am giving out no secret when I say that he made an exhaustive inquiry into the possibilities of this industry and he was convinced, as were other gentlemen who were with him, that this industry required protection: it was not in a light-hearted way that they put in this item; but it was after carefully going through the information of the experts and seeing things with their own eyes that they put in the item in the Bill which they introduced. It is surprising that some members' argument prevailed in the Select Committee and it was omitted. I would like very

much to see the re-incorporation of that omitted portion of the Bill. With these words, I support the Bill and ask the Members to see that this hollow-ware is included again in the Bill.

Mr. B. Das: Sir, I rise to support the motion before the House; and if I support it, my support is qualified to the same extent as it was when I made the speech on reference of the Bill to the Select Committee. For that three of my friends and I myself have put in a separate note. Our view is this: as has already been put by my friend, Mr. Ramsay Scott, the extent of protection under the Safeguarding Act given in this Bill does not cover all the industries, and if Government do not take steps to make further inquiries into the case of other industries similarly affected, they will soon vanish. It has been pointed out in newspaper articles that the Indo-Japanese agreement was a success. My friend, Mr. Ramsay Scott, has congratulated the Honourable the Commerce Member on the Indo-Japanese agreement, and I also congratulate him on it, but I do warn him to beware of Japan. . . .

Mr. Gaya Prasad Singh (Mirzaffarpur *cum* Champaran: Non-Muhammadan): Why not beware of Manchester and Lancashire also?

Mr. B. Das: If my friend, Mr. Gaya Prasad Singh, would like to hear my views on Manchester and Lancashire, he will hear them on another occasion: today I am talking of the Japanese menace to India. Japan has destroyed our industries, as my friend, Dr. Ziauddin Ahmad, rightly pointed out, by the depreciation of her currency, by subsidy of money which, as I pointed out the other day, has resulted in a deficit in the Japanese budget to the extent of 800 million yens this year, and it may be more as time goes on. All these things are going to kill the industries of other countries, so that Japan will raise the prices. . . .

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Question.

Dr. Ziauddin Ahmad: Why do you not follow the same process?

Mr. B. Das: My friend, Dr. Ziauddin Ahmad, asks me why do we not follow the same process, why India does not follow the same process? India, Sir, situated as she is, has no power to influence the Government to depreciate her currency so as to raise the price level. It is impossible for us to do it. It is well known that our currency is regulated from Whitehall and not by public opinion in India. I am not going to consider that factor today as to how much depreciation or appreciation of our currency will raise the price level in our country, but the whole country clamours, all the industries clamour, because the "most-favoured-nation" treatment had been accorded to Japan. As soon as it was terminated, Government brought out the Safeguarding of the Industries Act, and thereby they gave a warning to every importer who was bringing out goods for only a temporary gain, but, at the same time, destroying the whole foundation, the whole structure of the smaller industries that were just trying to make headway in India. My friend, Dr. Ziauddin, argued what is the use of partially protecting the industries in the country? Neither the Commerce Member nor any other spokesman of Government has maintained that they are going to protect the industries, but, as I understand, Sir, this measure is a balancing measure. They are just balancing up the prices allowing these industries merely to

[Mr. B. Das.]

continue for a few months or for a few years more till world conditions change, till Japan is compelled by other world factors to avoid the system of subsidy that she has been paying for the last three or four years when prices would rise. Sir, already signs, ominous signs, are coming from America. Japan cannot go on in the way she is going on. There will be a collapse of her economic and financial structure and she will not be able to finance and subsidise her industries as she is doing now. With the little knowledge of economics that I have, I feel that Japan is heading to a downfall, whether it will come a year hence or earlier, I will welcome that downfall. . . .

Mr. Amar Nath Dutt: Wish is father to the thought.

Another Honourable Member: Why do you wish it?

Mr. B. Das: For the safety of India and Indian industries.

I admit, Sir, we have got a certain rivalry with the British manufactured products, but that does not mean that I will help Japan to sell her goods here, so that, by competition when India slowly manufactures more and more goods which are now brought from England, India should also find a formidable competitor in Japan.

My friend, Dr. Ziauddin Ahmad, pointed out that certain articles have specific duties and some articles have specific duties only for non-British goods. I was not present on the floor of the House when the Ottawa Pact came in. I understood that my friend, Dr. Ziauddin Ahmad, was a party to it. In the Select Committee, we did inquire, and the Honourable the Commerce Member and the experts who were there gave us figures, and we found that the specific duties that were being levied on certain articles against non-British goods were the same or slightly less than the British articles will pay under the present tariff. . . .

Dr. Ziauddin Ahmad: Is that correct?

Mr. B. Das: It is correct. I examined the Commerce Member on two or three items, and when those figures were given out, I was satisfied, but this Bill was not the occasion for me to write a minute of dissent on the Ottawa Agreement, because I took to my heels and went to London on Orissa's business and I could not take part in the debate, but this was not the occasion for writing a minute of dissent, and, I do hope, when the Commerce Member rises, he will give figures to satisfy the House. My friend, Mr. S. C. Mitra, and I myself inquired into and asked for certain figures and those figures were supplied to us. Of course, there are certain items like fuel oil, sugar candy, etc., which carry a general specific duty, and, as I said the other day, I again make this assertion, that the time is coming fast when the Government of India, to save themselves from bankruptcy, will have to resort more and more to specific duties. We have found that *ad valorem* duty has failed and it is failing, not due to the scientific principles of commerce and industry, but due to unscientific principles that a certain aggressive nation like Japan has brought forward whereby the prices have gone down and Government are not getting adequate revenue.

Sir, my friend, Dr. Ziauddin, and my friend from Burma, U Ba Maung, whom I congratulate for his able defence for the cause of his province,—though I cannot support him in detail, I congratulate him on his able defence in the cause of his own province which he described as his country, because he was expecting Burma to be separated in a short time, and I wish him God speed in that separation,—both my friends raised the question of agriculturists. The Safeguarding of the Industries Act did not raise the question of agriculturists at all, and if my friends can persuade the Honourable the Commerce Member or any other Member of the Treasury Benches to bring forward any kind of legislation which will raise the price of the agricultural commodities, Sir, I will always welcome it, and I have demanded it. But we know that the other day, while replying to the Resolution of my friend, Mr. Joshi, on unemployment, the Honourable the Finance Member made certain statements. He said certain inquiries were going on and it would take three or four years to collect all these statistics, then the Federal Government would be functioning, and they will consider whether they could make any proper use of those statistics. How can I ask this Government under the guise of the present Bill to raise the price level of agricultural commodities? Although they have a Wheat Bill,—and I hope the Honourable the Commerce Member will also bring forward a Rice Bill, whereby the prices of paddy also will be raised in India. . . .

Dr. Ziauddin Ahmad: Can my friend suggest any method by which pressure can be brought to bear on the Treasury Benches except the one thing that I can think of, that is to say, refuse to consider the raising of the prices in the case of manufactured articles?

Mr. B. Das: I am glad, my friend has asked me that question, and the reply is that there should be complete unity both inside this House and outside in the country. By united action, apply pressure on the Government, so that they can do good to the country and not do things in their own way. At the same time, I must admit that my friend, Dr. Ziauddin Ahmad, has given his support to the Bill, but his only grouse is that the Government have done nothing so far to raise the prices of agricultural commodities, that is all, but that is a general charge. Let us wait in a deputation on the Government. Already there is a Committee on the Rice question of which my friends, Mr. Neogy, Mr. Mitra and my friend, Dr. Ziauddin Ahmad, are members. I hope they will press on the Honourable the Commerce Member to bring forward such a measure this Session.

My Honourable friend, Mr. Amar Nath Dutt, said perhaps without reading the minutes of dissent that a majority of the non-official Members have dissented. If they have dissented, they have demanded more protection, and only one or two Members have said that relief should be given to certain imported articles, for instance, hosiery, and I was surprised to find my Honourable friends, Mr. Mitra's and Dr. Ziauddin Ahmad's names there. Both of them, and particularly Dr. Ziauddin, is an eminent scholar, but they are enunciating a very vicious principle. That vicious principle is this that whenever the Government put on a new tax, all the imported articles that would be lying in the docks should be exempted from paying the enhanced duty.

Dr. Ziauddin Ahmad: May I ask my Honourable friend to quote from my minute of dissent where I have said this?

Mr. B. Das: The minute of dissent boils down to that principle.

[At this stage, an Honourable Member was seen leaving the Chamber.]

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member should not cross the speaker when he is on his legs.

Mr. B. Das: Even my Honourable friend, Mr. Amar Nath Dutt, suggested that. But I have had ten years' experience in this House and whenever any taxation proposal had been brought up by Government, whether in the General Budget or under a protective measure, the non-official Members on this side have never demanded that particular articles should be allowed to be landed under the old tariff system. Of course, there is only one instance in which it was done, that is the Wheat Bill, but in that case that Protective Bill came to the House without any warning. Here the Safeguarding Act was passed in April, 1932, when all the Indian Chambers of Commerce and all the Indian papers were agitating: "Save us from the Japanese menace".

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Government were sleeping for a year.

Mr. B. Das: You can put that question to Sir Joseph Bhore why they had been sleeping. It is not for me to answer that question, but, I thought that six months were required to give effect to the provisions of that Act and so the Bill could not have come before the month of November. Why the Government did not bring the Bill earlier in November and brought it forward only in December, I am not in a position to justify; it is for the Government to justify their position. Of course there will be suffering, but one must not forget that, under the report of the Tariff Board on hosiery, the protection for hosiery will continue for a number of years. If that be so, I do not see how the consumers will be the sufferers. The only sufferers will be the importers, but they will not really suffer, probably they will not make that much of profit as they have been trying to make under the gamble of this Bill. The importer wants to take advantage, and, if he can get hold of a large quantity of the article in India, he will make more profit and, indirectly by competition, reduce the price level, whereby the indigenous hosiery producers will be affected for some time to come. My Honourable friend from Burma, U Ba Maung, has raised a bigger issue, the constitutional issue. As it is today, no part of India can be excluded from any taxation. I recollect another instance. The Indian salt manufacturers are asking for the exclusion of Aden from the protective tariff which this House is going to continue on salt. I have full sympathy with Burma for separation, and I believe that it would be separated, but I would appeal to the Government, if that millennium is coming, let them separate Burma immediately three months hence, or six months hence so that Burma may not lay the blame at our doors that India is profiting. Heaven alone knows whether India profits by any extra taxation that Burma pays.

My Honourable friend, Mr. Amar Nath Dutt, pointed out also that we in the Select Committee did not pay sufficient attention to the protection of enamel ware industries. I was one of those who did not feel at the time that enamel ware should receive the protection that it received.

But if my Honourable friends, who are in support of it, or the Government can supply to the House better statistics whereby we could be convinced that this industry deserves protection, I have no objection to protection for that industry.

One word more. I am surprised to find my Honourable friend, Mr. Mitra, writing a minute of dissent about hardened whale and fish oil and making the statement:

"The poor people use oil in place of ghee, but hydrogenated oil is used only as an adulterant of ghee."

My strongest objection as a reformed Hindu and as a Hindu is that fish oil which could be used as an adulterant of ghee which is so injurious to one's health and which is so bad from the point of view of orthodox people headed by my Honourable friend, the Raja Bahadur—I may be reformed, but I hate to see food cooked in fish oil presented as offerings to God, for no offering is made to God which contains fish or meat. So I appeal to my Honourable friend, Mr. Mitra, to revise his views and not to raise that objection on the floor of the House. If my Honourable friend wants that Government should bring out a legislative measure that vegetable ghee should not be named as vegetable ghee, but as solidified vegetable oil, I am with him, but that subject does not form part of this Bill. With these few remarks, I support the measure before the House.

Diwan Bahadur Harbilas Sarda: Sir, I support the motion made by the Honourable the Commerce Member. My Honourable friend, Dr. Ziauddin Ahmad, said that there would have been no necessity for this Bill if the exchange value of the rupee had been lowered. This is perfectly correct, and I endorse every word of what he has said about it. If the rupee had been devaluated, Indian exports would have been stimulated and imports into India would have been checked. Every country, which has large exports or imports, has, in the interests of its own manufactures, devaluated its currency. India which has large exports of raw materials and imports of manufactured goods would also have been greatly benefited if the value of the rupee had been lowered.

Another point that the Honourable Dr. Ziauddin Ahmad made was that he would not support any tariff Bill until he was convinced that the benefit of protection given by that Bill was shared equally, or at any rate, a large share of that benefit went to the worker and not all to the investors or the proprietors of the manufacturing concerns. While we all wish that the labourers should benefit from any advantage that is given to industry by either protection or otherwise, I would suggest that we must also remember that we must do justice to the owners of manufacturing concerns. Let us be just to them too. We must remember that the wealth of the country depends to a great extent on those who invest capital. It is the man with the money whom you call a capitalist, who organises industry. It is he who furnishes the means to start factories. It is his enterprise which practically gives birth to manufacturing concerns. I am not a capitalist, nor do I hold any brief for the capitalists. I hold no brief in fact from either importers of goods from foreign countries or manufacturers in this country. I take a detached view of the question. I consider that the interests of India as a whole should guide us in all our decisions with regard to these matters. I am perfectly well aware that labour

[Diwan Bahadur Harbilas Sarda.]

is as necessary as investment of money for the prosperity of manufacturing concerns. Labour also have a very fair share of protection, but let us not, for the sake of the larger interests of the country, try to smother the capitalist either.

As regards the hosiery question, it appears to me that a large number of hosiery concerns have recently been either closed or are very near being closed. This is not due to any influx of imported goods from England. This is due to the flooding of the market by cheap Japanese goods. The exchange value of the rupee as against the sterling, is the same as it was before and, while this has been so, new factories for hosiery were started in India; but recently they have suffered, because the exchange value of the yen has depreciated. It is because of the depreciation of the currency of that country that the Indian market has been flooded with cheap goods and the industrial products of this country have consequently suffered. Therefore, it appears to me that to a great extent, I do not say wholly so far as hosiery is concerned, the question reduces itself to a choice between the benefit of the importers and to some extent the benefit of the consumer, and the benefit of the manufacturers of this country. As it is the earnest desire of all to stimulate the manufactures of this country, I think it is our duty to help those manufactures and, therefore, levy duties on those imported articles the import of which in any way retards the progress of our manufacturing activity.

There is one little thing which I want to say. In cases of this kind, Government generally receive applications for protection from a number of industries of different kinds and they make inquiries into and scrutinise these applications and try to find out which of the industries require protection or safeguarding. We, as Members of this House, have no means of knowing what industries have applied for protection, what have refused protection, and for what reasons protection or safeguarding has been refused. It is, therefore, due to us that the Honourable the Commerce Member should find means to put us in possession of facts on this question so that we may be able to judge what industries, when we are discussing a Tariff Bill, require protection and make recommendations accordingly.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. S. C. Mitra: Sir, I strongly support the motion for taking this Bill into consideration. It is a very beneficial measure. Our complaint rather is that it has come so late. We in this House passed the Safeguarding of Industries Act and it took the Government several months to come before us to give effect to our Resolution. Sir, it has been justly claimed by some of the Indian industries that under the present Bill they would not get sufficient protection to save themselves against abnormal foreign competition. My friend, Dr. Ziauddin Ahmad, said that half protection

was worse than no protection. Here I do not agree with him. I shall be glad to accept what is now being offered and persist in trying to get more, and I hope the Government will see that in the new Bill, where they are not merely safeguarding or giving temporary shelter to Indian industries, but where Government are committed to the principle of discriminating protection, I hope they will give adequate protection to Indian industries. I fully agree with my Honourable friend, Dr. Ziauddin's contention that a thorough inquiry should be made on relevant facts concerning these articles before we give protection to any of these industries, and we should no doubt consider whether it would conduce to the convenience and advantage of the consumers also in the long run. As regards this present Bill, at least about one article, namely, about enamelled wares, I found myself that the figures we received in Select Committee led us to think that there was not much ground for giving that particular industry protection, but subsequently I have been convinced by going through the figures about the total Indian production at present, its future potentialities, and the Indian production, say, two years before and the total Indian consumption, that they have made a very good case for me to revise my opinion. I took full responsibility in Select Committee, I say, for deleting that particular clause, but now I find that out of nearly Rupees 33 lakhs worth of articles consumed in India during year, more than 12 lakhs worth of articles are already produced and the potentiality of these companies that have been established in Bombay, Bengal, the Punjab and the other provinces is so much that, within a very reasonable period, they will not only produce far better and durable articles, but produce them cheaper also. So I should like to be satisfied that Government will make a thorough inquiry into all these different points before they come up for protection.

Sir, due to this abnormal competition prevailing in India during the last two or three years, it is not only these few articles that have been brought under the purview of the present Bill, but there are other smaller manufactured articles in India that also require adequate protection if they are to survive at all. Sir, we cannot in this modern age remain mainly an agricultural country. It is for the good of the country that now the educated classes have turned their attention towards manufacture, and the Government should encourage them in every possible way by utilizing those articles and providing sufficient protection wherever there is any real need for it.

My friend, Dr. Ziauddin Ahmad, rightly said why these Bills were not sponsored by the Member who is in charge of Industries. He further said that if it was a taxation measure, then it should be taken up by the Honourable the Finance Member. I take it that it is not for the purpose of getting a little more money that these measures are introduced, and so the Honourable the Finance Member did not bring forward this legislation, but the Honourable Member in charge of Industries should certainly have taken up this legislation.

There is only one other point on which I would like to say something and that is about the contracts. In my own minute of dissent, I made it clear that I did not agree that all the articles ordered for before the 22nd of December, 1933, should be accepted in India as duty free, but the articles that had already reached Indian shores by a fixed date, say, about the 15th January, 1934, that is, the period of three weeks that it

[Mr. S. C. Mitra.]

takes for the articles to reach from Japan to Indian shores, might be exempted from the purview of this Bill, and that should be considered by this House. My argument is this. Mr. Das contends that they had previous notice and, therefore, they should suffer, if they intended to make any illegitimate profit out of it. I think you will agree, Sir, that if it is found that anybody wanted to bring in a large quantity of Japanese goods with the intention, more or less, of frustrating the object of a Bill like this, he should be penalised. But that is no ground why *bona fide* contracts should not be respected. What I mean is this. If there had been any legislation within two or three months after the passing of the Safeguarding of the Industries Act, then certainly the onus was heavily on the importers, because they knew that some Bill was on the anvil to put the Safeguarding Act into operation. But when a year passed and there was no action taken on the ground of negotiations with the Japanese Government, the Bill certainly came more or less as a surprise, on the last day of the Session. If the Government are satisfied that it was not with the intention to frustrate the effects of this Bill, but, with a *bona fide* purpose of the trade, that some of the importers have ordered for goods, then I do not see any reason why, for that limited period, on the analogy of the Wheat Protection Bill, we should not protect these *bona fide* traders. Then, I look at it from a further standpoint. When the goods are here, if they are not heavily taxed, it is not detrimental to the interests of the Indian manufacturers. The loss will be borne either by those Indians who ordered for the goods or the consumers. It does not very much affect the interest of the Indian manufacturers, because there will be no such import in the future. So, if there is no great objection from the Customs Department, Government may yet reconsider the case of the *bona fide* importers for a very limited period only. With these words, I support the motion.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, on the last occasion when I was speaking in this Honourable House I said that this was an amazing piece of legislation. Today I find that it is not only an amazing piece of legislation, but it is a jugglery in legislation. Sir, what do we find? This Bill was introduced on the 22nd December of last year. Within six weeks from that date, we find another comprehensive Bill being introduced with regard to the same goods, namely, the hosiery. The first Bill provided ten annas per dozen of socks and the importers had to pay the import duty at the rate of Rs. 1-8 per dozen for undervests. What do we find in the new Bill which is now before us? It is nine annas per lb. Therefore, those goods, which have arrived and will be taken delivery of before the next Bill comes into force, will pay more import duty. Take, for instance, one dozen undervests which weigh one lb. The man will have to pay Rs. 1-8-0 for this one lb. goods, but after six weeks he will have to pay nine annas only. Then, again, we were told that this Bill had nothing to do with the raising of revenue. It was a sort of protection that was being given to the Indian industry in order to raise its price to the price which was maintained in 1931-32. If there was no idea of raising any revenue or getting hold of a certain amount of money quickly, where was the need for this indecent haste in bringing forward this Bill on the 22nd December last without waiting for the new Bill which is a comprehensive measure and which is now before the House? It only reminds me that the Honourable the Finance Member is in need of money and, therefore, this Bill was introduced in such a hurry. By

means of this Bill you are penalising the importers who will have to clear the goods now and not wait till the new Bill is passed. You are charging them Rs. 1-8-0 now for the same goods if it weighs 1 lb. for which you would have charged nine annas only. The Tariff Board was asked to report and that was in April, 1932. They reported in November, 1932. All these 14 months this report was not brought before us, nor could we understand or gather whether any protection was necessary. Nothing was before us, nor was there anything before the Select Committee to enable them to come to any definite conclusion, whether the proposal was for really giving effective protection or any protection at all. I asked on the last occasion, for whose benefit was this Bill being introduced? Surely it was not for the consumers, it was not for the industrialists, because they do not want this nine annas a lb. And they have been asking for at least one rupee a lb., if not more. My Honourable friend, Mr. B. Das, said that half a loaf is better than no bread, and that we must accept this half and go on asking for the full. But my Honourable friend forgets that this is not a question of half a loaf put into your stomach. We want protection for our industry so that it can compete with other countries. If you give half protection, it will not enable our industries to compete with other countries. Then why do you raise the price for the consumers when you are not benefiting the industry thereby?

Mr. K. C. Neogy: Will the Honourable Member then join us in asking for the enhancement of the duty proposed?

Mr. A. H. Ghuznavi: Yes. Certainly I will join you wholeheartedly and I will tell you my reason why. The other day a local newspaper, the *Hindustan Times*, remarked about the speech made by me and by Sir Abdur Rahim and Sir Muhammad Yakub that we were communally-minded fellows, that we were looking to the interest of communalism and that the industrialists were not Mussalmans and that, therefore, we were opposing the Bill. Surely let us forget at any rate in commerce our communalism and this was far from my mind when I made my speech the other day. Here I have got a number of telegrams and most of them came from Mussalmans and they are all in the trade and they have requested us to ask for more protection. I may say at once that more Mussalmans are interested in this industry than Hindus, and still we are told that, because the Mussalmans are not interested in this industry, therefore we are supporting the importers who are all Mussalmans. There, again, it is not true. So far as the importers are concerned, they are fifty-fifty. Half are Hindus and half Mussalmans. My point is that you have to satisfy us with the following test which I find from the Government report. They also say that the test has to be applied before giving any protection to any industry. I say, I am not satisfied that the Government have fulfilled the test. My point is that because I have not the Tariff Board report before me, I cannot say that they have satisfied the test. The Government have not given effect to what they themselves said previously. What they said was to give protection at Rs. 1-8-0 a dozen and this was in 1932 and then they took into consideration the depreciation of the yen. Surely if they said that it should be Rs. 1-8-0 a dozen in 1932, it should be at least Rs. 3 a dozen, taking into consideration the great difference in the depreciation of the yen in 1932 and 1934.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): What is the difference?

Mr. A. H. Ghuznavi: I am afraid you will have to ask my Honourable friend, Dr. Ziauddin Ahmad.

Mr. C. S. Ranga Iyer: Is it the worse or the better?

Mr. A. H. Ghuznavi: It is the worst.

Mr. C. S. Ranga Iyer: Therefore we ought to protect ourselves.

Mr. A. H. Ghuznavi: Sir, we are quite prepared to give them protection, provided they come into the field, and with a competitive price and with reasonable protection they can sell and they can meet the requirements of India as a whole. Surely the protection that should be given should be for a restricted period. We have to make very great enquiry to find out whether we are not going to put in the list a few industries which want to make money at the expense of the consumers. Before giving protection to an industry, we want to satisfy ourselves that these tests are fulfilled. As regards the new industry for which protection is sought to be given on their own showing from the report of the Tariff Board, I find they cannot supply more than 23 per cent. Then, Sir, it has been said in season and out of season that the Indian industry had very great difficulties in competing with Japanese goods, because of the depreciated yen. But the figures I find in the Government report give a different story. The Indian industries have been increasing from year's end to year's end. In 1926-27, the Indian manufacture was 3,52,000 and in the seven years, ending 1932-33, it has doubled. That is, at present it stands at 7,46,000. Surely you cannot say that you have been closing down your workshops and, as one Honourable Member said, you cannot go on unless you are restored to the prices in 1931-32. What is the reason then if your production is increasing year by year?

Mr. B. Das: The boycott movement.

Mr. A. H. Ghuznavi: That was the reason I gave the other day when the Honourable the Commerce Member said about the huge imports that are coming from Japan. That is not so. Japan has captured the imports of other countries. Our total imports have not increased. Japan has captured not from India, but from other countries, because Indian production is going up, whereas the imports of other countries have diminished and Japan is taking their place.

Mr. C. S. Ranga Iyer: Then why should we be the victim of one country, I ask, from an economic point of view?

Mr. A. H. Ghuznavi: My Honourable friend, the Deputy Leader of the Nationalist Party, was shedding much tears the other day when I was making my speech and he said that he would rather see 30,000 Japanese workmen out of work than 300 Indians. Today my Honourable friend's heart is melting for the uplift of the Harijans, tomorrow it may be the case of my Honourable friend, Dr DeSouza, and, later on, my Honourable friend, Sir Henry Gidney, may have a share in the sympathy of Mr. Ranga Iyer. Sir, human memory is short and the memory of the Assembly is shorter still. What was the attitude of Indians when the Russo-Japanese war was going on in 1898? Did we not take pride as an Asiatic Nation that Japan was fighting the Western Nation? Has my

Honourable friend forgotten that, probably he was not born then. Did we not send batches of Indians to learn trade and industry in Japan? Is not my Honourable friend, Mr. Neogy, aware of the hearty farewells that we used to give our young boys when they were sent to Japan for training? Now, of course, he is up in arms against Japan. Japan has been able to capture the whole world trade by her efficiency, and my Honourable friends here want to subsidise inefficiency.

Sir, the real truth as it strikes me is this. To enable you to quieten the Manchester and Lancashire shouting, you have reduced the duty in piece-goods to 50 per cent., because you must give something to stop criticism. But I will be able to show that this increased duty will not benefit the industries at all. They will never be able to compete with the nine annas a pound, but it will do what the *Hindustan Times* said the other day, namely, bring in imperial preference by the back door. The orphans of Bombay in 1930 did not realise that they were doing this. If they had not pushed imperial preference, this country would have benefited and today this Assembly would have had as Members men who would have been ornaments to any legislative body if they had not been made to resign as a protest. Again, the same thing is being repeated. If it is a genuine support of Indian industry, no Indian can say that he will not support it. But, surely, I am not going to yield and, at this time, when their buying power is almost gone, to raise the prices and not to give the benefit of the lower prices which is now prevailing. Sir, I am myself a free trader; I do not believe in protection at all. But to my mind the real protection that should be given to the industries is not by raising a tariff wall and making the prices go up, but by taxing those who can pay and subsidise the industries on conditions which should be laid down and which they are to fulfil, *viz.*, that they can in a reasonable time supply India's demand and at a reasonable and fair competitive price.

Sir, the Tariff Board's report shows another thing. They say that a factory which can economically produce at least 200 dozen underwear a day requires a capital of a lakh and a half. I should like to find out how many of these factories are existing in India at the moment excepting those mills which have got a branch in hosiery. And let them say whatever they like, but they are not using Indian yarn. They cannot, excepting one or two who are attached to the mills who are producing their own yarn. But the ordinary hosiery concerns are using foreign yarn.

There has been great objection to giving exemption to contracts. One objection is that, by exempting these existing contracts, you only pay a profit to the importers. The second objection that has been raised is that these goods will come into India at a lower price and, therefore, the Indian industry will not be able to compete; and then the third objection is that in these protective duties there has never been any exemption allowed. My answer is this. If you raise by 5 or 10 or 15 or 20 per cent., I can understand that prices go up to that level. But here you have in some cases raised to 240 per cent. and, on an average, it is, on your own showing, 97 per cent. Surely prices cannot go up to 97 per cent. at all. Therefore, the loss will be of these poor importers who innocently imported these goods. And then if you do not exempt these existing contracts, you will have to bear in mind that in future Indian money will be very shy in doing any trade with foreign countries and Indian capital will think twice before risking and losing it. You act abruptly, without giving any notice whatsoever. It has been said that notice was actually given that the commercial treaty was coming to an end. But how can these poor fellows, who have

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nothing to do with politics and do not understand what is up your sleeves, understand that you will jump up one day after months and months and put up the duty to 240 per cent.? Therefore, if you do not want Indian capital to be shy in doing trade with foreign countries, it is only fair to reduce their difficulties and penalise them only to that extent that you have to in the circumstances. At any rate, if you cannot give the exemption to the existing contracts, surely give exemption to the goods that have arrived at the ports in India.

Sir, let me make this prophecy in conclusion. These imports will be stopped. It is no use trying to feel that they will continue; they will stop. You will not be able to make them, because the protection that has been given is not sufficient. The result will be that, so far as the hosiery trade is concerned, they will go on making those shirts. For the Japanese cloth the duty is only 50 per cent. and these shirts will be sold at a cheaper price than you can make them here; and some importers will divert their trade and, instead of importing, they will be making these things and selling them in the market. It has started and your Indian hosiery industry will never be able to compete with them. And then if it is found to be fair to give sufficient protection to the industry by putting a 50 per cent. duty on Japanese piecegoods, why is it not found fair to put a 50 per cent. duty on Japanese hosiery? Is that not also a cotton textile and coming under the same category? There you want to placate Lancashire. Here, of course, Lancashire does not come into the field and, therefore, you can put up 97 per cent. which you think is a sufficient protection, but the industries do not think so.

Sir, with these words, I still hope this House will seriously consider this matter. If you want to give protection, give by all means sufficient protection to the industry, and do not go half way. By going half way you only raise the price. I will also ask this House, whether it will not seriously consider the question of exempting contracts or at any rate exempting the goods which arrived in India before the 31st January.

Mr. C. S. Ranga Iyer: Sir, my friend, the Honourable gentleman from Calcutta, concluded his speech with his usual admiration for protection even though a professed free-trader. He said: "Give sufficient protection, for the protection you have given is not sufficient; it will not sufficiently encourage the industry concerned. It will only hit the poor Japanese"; and he took me severely to task, with his characteristic earnestness increased by his lustre of eloquence, for not having shed tears for the Japanese industrialists. He said that I have been shedding tears for Harijans. I have been working among the Harijans. My friend has not been working among the Japanese workmen, though he tries to find work for them on the floor of this House at the expense of the working people of my own country.

I do not for a moment deny that Mr. Ghuznavi is actuated with the best of intentions and also speaks purely from the standpoint of indigenous importers, who he feels are affected and also from the standpoint of consumers who he feels are in peril. I do not for a moment question his sincerity. However, he mitigated the severity of my attack thinking probably that I was equally sincere when I attacked the Japanese enthusiasm to bring down our industries in order to promote their own—he softened the severity of my attack when he said that I would rather have 30,000

Japanese suffer than 300 of my own people. My figures were more "monstrous"—they ran into millions. However, that is entirely the issue with which I am concerned, I perfectly agree from a humanitarian point of view—not from that of a patriot for the patriot is selfish—but from the point of view of a man who wants to benefit the universe and whose enthusiasm for the working classes, whether Japanese or indigenous, knows no latitudinal or longitudinal limitations—from that standpoint I admit defeat on this issue and I acknowledge that my Honourable friend from Calcutta stands on a higher pedestal. (Laughter.) We must, however, express some gratitude to him for having elevated this discussion from the communal to the commercial plane, for he controverted a statement of fact in the *Hindustan Times* which was, as he said, far from what he knew to be the truth. For his analysis proved that Hindu as well as Muslim importers would be hit by this Bill. That is fortunate, for in these matters I agree with my Honourable friend that we must not bring in the communal aspect at all; for India stands to gain by this Bill and that is why I say "Do not approach it from a communal point of view". As conceded by Mr. Ghuznavi, the Mussalman as well as the Hindu has to look at it from the commercial point of view; and, if they look at it from that stand point, I have not the slightest doubt that they would bless the Commerce Member for having awakened at last after the anxious days and months that our people have been passing through in this country, for having awakened at long last from almost, what seemed from Mr. Ramsay Scott's point of view, a *Kumbhakarna* sleep. (Laughter.) After hearing the rather enthusiastic speech of my friend, Dr. Ziauddin Ahmad, followed by that other enthusiastic speech of my friend, Mr. Scott, from Cawnpore, I thought that the Honourable gentleman sitting on the Treasury Benches, Sir Joseph Bore, was almost between the devil and the deep sea. (*A Voice*: "Which is which?"). My friend, Mr. Jog, follows it up and asks me who is the devil and who is the deep sea. I would certainly not call my friend, Dr. Ziauddin Ahmad, a devil: he is the deep sea of arithmetic which his constituency understands and which this House loves to understand—the deep sea swallows up everything that comes before it. On this particular occasion, however, he forgot when in Select Committee that there was a lack of uniformity in regard to the duties which on his discovery after he put his signature to that report he placed before us with all the enthusiasm and earnestness which he always shows and which we always appreciate. The devil, Mr. Scott, an amiable devil from Cawnpore, not an extremist of extremists, because he does not reject this Bill,—he is merciful, he is not satisfied with it; he keeps his powder dry; but being an amiable gentleman, more of an angel than a devil, I should think, he accepts what is given and reserves his right to agitate for more. Sir, therefore, it is easy for the House to understand that the Honourable the Commerce Member is a moderate of moderates, unwilling to inflict the hardship which my friend, Mr. Ghuznavi, thought he was inflicting, not on Japan—probably on that point he is right—but on the consumers of this country. he is not inflicting any hardship on them; but on the contrary he is helping the producers. Sir, we cannot draw the line too thin—the line of demarcation between the consumer and the producer: sometimes the consumers of almost nothing and the producers of everything, have a point of contact when the case of the workmen is concerned; and until Mr. Ghuznavi fails to produce and the Honourable the Commerce Member produces the figures regarding the numerous workmen employed in the numerous indigenous industries which are affected, which are injured, which are threatened, by the Japanese

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depredation, until that is shown, I at any rate will maintain that the large number of workers in the country, both in well-established industries and in struggling industries and in the cottage industries, stand to lose a great deal. You cannot very well say that the consumer is affected. He is not. The consumers in the villages are not affected, because they are also producers, working at the handloom, and at any rate for certain months in the year when they go off work in the agricultural fields.

Dr. Ziauddin Ahmad—probably I am not misrepresenting him when I say—for I heard him rather indistinctly—I do not say that he
 3 P.M. was speaking indistinctly, but he was inaudible somewhat to my ears and I heard him faintly—he said “You are not increasing the prices of agricultural commodities and you are increasing the prices of industrial products; that is not the right kind of economics and that is not the proper thing for a Government to do”. That was his point of view, and as he shakes his head in assent, I am sure I have understood him correctly and explained his position distinctly. That is a rather difficult position, I concede. That is the position with which the Governments in all the countries in the world are faced today. Cheapness—that is the curse that is afflicting all the countries of the world and has caused depression: cheapness of raw products, cheapness of food stuffs, cheapness of manufactured articles; but cheapness has never descended so low as in the case of Japan; and if we make concessions to that cheapness, what will happen? One of the speakers, I thought, was going to talk of some other kind of cheapness. One of the speakers said that if you raise a tariff wall, the Japanese people will come to this country and set up their factories, and there is that danger. Sir, I would welcome the Japanese people to come to my country and set up factories; I would welcome Americans to bring their capital and set up factories in this country; I would welcome Chinese, Mongolians, Tibetans, in fact all the nationalities including the inhabitants of Mars and Timbuctoo. (Laughter.) I do not believe in the old war-like slogan that we should not bring foreign capital into this country,—no, I do not believe that. Once upon a time, Sir, I had a very interesting conversation with one of the great Muslim leaders of the Punjab, now no more, who held an honoured position both in the Government of India and in his own province, and he was disputing with me the Congress slogan. “Why bring in foreign capital into this country”. He said what we want is capital in a poor country like India. There was much in what he said, for, you remember, Sir, once upon a time, the friends of the community to which my friend, Mr. James, has the honour to belong, had almost all the jute capital in their hands, and today the largest number of jute shares are in the hands of Indians themselves, and I do not mind, if the Japanese people have to solve their unemployment problem in their own country, transfer their capital and bring some of the Japanese experts to this country,—I would welcome them, and then if the Honourable the Commerce Member were to come forward and say—I want to crush down the Japanese factories in India—I would examine the question purely from an Indian point of view, and I would give the Japanese the consideration that I would the Indian, because they would be employing Indian labour. They will not be bringing all the Japanese from Japan to be employed here, and if the Japanese want some tracts in this country on which no Member has been able to enlighten us, if the Japanese want some lands in this country to set up their factories, even to found a colony, I would welcome it, but that is not a live issue

today, and let us not draw across the trail a red herring which one Honourable Member-at any rate was drawing.

Sir, Mr. Ghuznavi said that he would prophesy something. It was a dreadful prophecy. He said these imports will be stopped. I do not think it will be a bad thing if these imports stop. We are not prohibiting them, but Mr. Scott, at any rate, will be happy if these imports stop. . .

Mr. A. H. Ghuznavi: No.

Mr. J. Ramsay Scott: Yes

Mr. C. S. Ranga Iyer: I have to judge here as to what Mr. Scott himself says as against what Mr. Ghuznavi prophesied. His latest prophecy had the shortest life. Sir, he said, if I heard him right, that, so far as the hosiery industry was concerned, they put the duty so high as 97 per cent. giving Great Britain a preference as against Japan. . . .

Mr. A. H. Ghuznavi: I did not say that.

Mr. C. S. Ranga Iyer: Well, I thought the Honourable gentleman said that. Perhaps I was not able to catch him, I am sorry. He said, you are putting down the Japanese hosiery heavily instead of helping them. . . .

Mr. A. H. Ghuznavi: No fear.

Mr. C. S. Ranga Iyer: I thought he said, do not put them down at all.

Mr. A. H. Ghuznavi: I did not say anything like that.

Mr. C. S. Ranga Iyer: Well, I did not catch his point. Probably he wanted imposition of heavier duties on Japanese hosiery?

Mr. A. H. Ghuznavi: No fear

Mr. C. S. Ranga Iyer: Well, Sir, I do not want to be too long, but I am sorry I did not follow this point when the Honourable Member spoke. He was complaining about hosiery, and on this point I would put to him one question, or rather I would ask the Honourable the Commerce Member one question. What are the import duties of the Japanese people on this particular article coming into their country from outside? That is a point I would like to have information upon, for I did not follow what Mr. Ghuznavi said. He at any rate has wallowed, it is clear as he talked, in so much confusion, but not being well informed about tariff duties in Japan, and having in my possession only the Report of the Tariff Board which he misrepresented, as I shall presently show, I had to put the plain question, and on the answer of the Honourable the Commerce Member will depend what I may call the clarification of an issue which Mr. Ghuznavi has deliberately clouded. Apropos hosiery, two or three times heavier duties, if my recollection is correct, though facts are not in my possession, are imposed by Japan. Much play is made about the hosiery. . . .

Mr. B. Das: Pig Iron.

Mr. C. S. Ranga Iyer: Well, let us have Mr. Das talk of pig iron. I know how much pig iron Japan bought from us once, and I know how little of it they buy from us now. Was I going to be fooled by Japanese seduction. Japan may play the role of Tantalus, but I shall not be tantalised even by Mr. Ghuznavi's opinion about the Tariff Board Report. This is what the Tariff Board said about this Japanese matter:

"If the duty is levied on the basis of weight, allowance will have to be made for the difference in weight between comparable qualities of Indian and Japanese goods. We understand that the imported goods often weigh not more than two thirds of the weight of the Indian manufactures with which they compete. Thus, Indian goods weighing three pounds a dozen have to compete with imported goods whose average weight will not be more than two pounds a dozen. To afford adequate protection, it will therefore be necessary to fix the duty per pound sufficiently high to cover this difference."

So much for Mr. Ghuznavi's quotations,—or rather his impression of the Tariff Board that he gave us. . . .

Mr. A. H. Ghuznavi: The Tariff Board reported Rs. 1-8-0 a dozen.

Mr. C. S. Ranga Iyer: Well, Sir, here is a quotation which I have read from the Report of the Indian Tariff Board about the Cotton Textile Industry, and he cannot dispute the facts. It is not favourable to Japan,—and he said the whole thing is favourable, and he said he had received telegrams. Sir, I have also received telegrams. . . .

Mr. A. H. Ghuznavi: That is not. . . .

Mr. C. S. Ranga Iyer: Sir, I don't propose to give way, and when I was willing to give way, the Honourable gentleman was not willing to take the opportunity and make a statement. . . .

Mr. A. H. Ghuznavi: Why read the wrong page?

Mr. C. S. Ranga Iyer: I have read the right page. It may be wrong from the Honourable gentleman's point of view, but when I gave him an opportunity to right a wrong, he did not take it. Sir, I want to be brief. I am already too long, but I must make my case, and as so much has been mentioned about telegrams from various people protesting against this measure, I must place on record this telegram from the Madura-Ramnad Chamber of Commerce. This is what it says:

"Proposed specific duty nine annas per pound on cotton undervests extremely inadequate in view of Tariff Board's and Select Committee's recommendation of Rupees 18C per dozen. We understand reliably that imported cotton undervests weigh only one three quarter pounds per dozen average and in this basis specific duty on cotton undervests should be at least fourteen annas per pound. Please request Government to include cotton pullovers, jerseys, sweaters, bathing costumes, shirts, underdrawers and all other hosiery under cotton undervests. We strongly feel proposed duty six annas per pound on cotton knitted pieces insufficient. Please move Government to increase duty on knitted pieces adequately and to levy uniform duty on all weights of cotton knitted pieces."

Sir, lastly Mr. Ghuznavi spoke of fluctuations of the yen. I have got figures before me. . . .

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): No figures please.

Mr. O. S. Ranga Iyer: I hear a whisper from my friend, Colonel Gidney. I appreciate his impatience, but if I make a present of these figures in regard to the fluctuations of the yen, and if I were to place them before the House, my friend, Mr. Ghuznavi, will find that he is at a great disadvantage. But I will present these figures to him instead of to the House.

Lastly, Mr. Ghuznavi was speaking for the poor man who is going to benefit by the cheapness of the article. Cheapness is not good to the man who has not a copper in his pockets. Our poor people have no employment and Mr. Ghuznavi will be taking away whatever employment they have got, because, as he said on a former day, our industries are not well established, and not being well established he will shake them out of existence. If he studies—I do not know if the Japanese people have a Tariff Board report, but if he studies the Japanese tariffs, he will find that on boots and shoes they have a 100 per cent. duty, on globes for hurricane lanterns 100 per cent., on laundry soap 100 per cent., on toilet soap 100 per cent., and he knows our figures so far as this particular Bill is concerned, and I shall not educate him on the advantage that Japan derives by not following a policy of Free Trade being a Free Trader herself. Sir, we are living in a new world. Nails, have been driven into the coffin of Cobdenism. As I do not want to prolong the speech, I do not enlarge this argument, but this much I may say that if Mr. Ghuznavi is a free trader, his past votes and speeches on the floor of this House have indicated that he has been a progressive free trader, progressing in the direction of discriminating protection (Laughter), and he knows that his contemporaries in England, great free traders, have become protectionists themselves. The free trade argument did not cut during the last General Election much ice in England; it will not cut any ice in India, for we have been fed by the countrymen of Sir Cowasji Jehangir, following the industrialists of Bombay, on the diet of protection. Every true industrialist is a free trader at heart. Mr. Mody is, I think, a free trader of free traders, but he only wants conditions favourable for a free trade policy. He wants industries to reach the stage of adolescence when they can look after themselves and fight foreign competition. If such a fair condition is achieved, then Sir Joseph Bhore will vote for Free Trade.

The Honourable Sir Joseph Bhore: Sir, there have been so many cross currents and under currents in this debate that it is a little difficult for me to know how to deal with it. I may perhaps begin with my Honourable friend, Mr. Ghuznavi. I would like to say at once that I for one do not cast the slightest doubt upon his sincerity, nor do I personally suggest that any considerations except commercial considerations have influenced him in putting forward the case that he has put forward. He puts forward the case for the importer of cheap goods. I lay stress on the importer and not on the consumer and I will make the reason for that plain almost at once. I know that the importer may be inspired by highly altruistic motives. I know that he may be inspired with the noble and humanitarian desire to clothe the naked millions of this country at a price, and it behoves us to enquire a little more closely into this question of price. On the last occasion, my Honourable friend waved in the faces of Honourable Members in this Assembly certain garments which he said were imported into this country at a price of, I think, ten annas a dozen. I have had evidence placed before me that those garments were actually being sold in the Delhi bazar at the retail price of Rs. 2-4-0 a dozen.

Mr. K. C. Neogy: We can substantiate that evidence, some of us.

The Honourable Sir Joseph Bhoré: Thank you. Now, Sir, it is easy to understand the altruism of importers when the altruism has such a golden lining. My Honourable friend, Mr. Ghuznavi, said, if you shut out hosiery, its place will be taken by hand sewn shirts made out of cotton cloth. Is that a hardship? Will it not be in the interests of this country that the consumer should take to an article made probably out of Indian cotton and sewn with Indian hands? To my mind it seems to be undoubtedly in the interests of this country that this substitution should take place if substitution on those lines takes place at all. Then, Sir, I definitely do not subscribe to the doctrine that it is a hardship for the poor consumer to have an obstacle placed in the way of buying the cheapest article whatever its quality may be. I feel that it may be doing a service to him to help him to buy a far better and more durable article even though it may be slightly more expensive in price. There are goods which are expensive at any price. Mr. Ghuznavi made certain statements which, I am afraid, it is quite beyond me to follow. I have no doubt that, as a certain sovereign of England expected to find the word Calais inscribed upon her heart, after death, so will the word hosiery be found to be inscribed on the heart of my Honourable friend, Mr. Ghuznavi. (Laughter.) What my Honourable friend said was: "You will stop imports of hosiery by levying these duties", but, in the very next breath, he went on to say. "These duties are not sufficient, and you will never be able to give the necessary protection by the duties which you are now levying". I cannot reconcile those two statements. Then, again, he says: "It was with the intention of placating Lancashire that you limited the duty to 50 per cent on Japanese piecegoods." I cannot for the life of me understand how Lancashire could be placated by reducing the duties to 50 per cent. on Japanese cotton piecegoods. However, Sir, I may leave that for the moment, and turn to another class of critics. I really find honest difficulty in understanding the position that they have assumed.

I will first refer to my Honourable friend, Dr. Ziauddin. Dr. Ziauddin I would describe as a normal biped, with his feet in two camps, one foot in the camp of the consumer and another foot in the camp of the producer. That position has a great many attractions, if only the two camps are sufficiently close to one another. Why my Honourable friend, Mr. Mitra, signed the minute of Dr. Ziauddin, I am afraid, I cannot understand. Possibly he fell a victim to the blandishments of the learned Doctor who evidently has successfully whispered soft nothings into his ear. I do not, of course, know about the softness, but I can vouch for the nothings. (Laughter.) My Honourable friend, Dr. Ziauddin, I think, suggested that we have a simple and easy way of escape from all our troubles with Japan. All that we had to do was to have a simple single formula which we could apply and which would automatically raise the duties in respect of all imports from Japan if further depreciation of the yen took place. Then he said, you will get rid of all these Bills and the necessity for bringing in a Bill like this. Surely, my Honourable friend's solicitude for the consumer has deserted him for once. What is the object of having duties put up on all articles from Japan to this country even on such as are not manufactured in this country?

Let me next turn to this question of protection. I find that there has been grave misunderstanding. There has been misrepresentation outside

this House and I am afraid that in some cases that misrepresentation may have been deliberate. Let me again repeat what I have said. We do not through this Bill intend to confer substantive protection on any particular industry. All that we want to do is this. We want as far as may be possible to restore the competitive conditions which existed in 1930-31, making allowance for the general fall in prices. If an industry comes to us and says "this is not sufficient to protect us", our reply to that industry is "prepare your case for protection and, if you have a case, it will be sent to the Tariff Board". I would like to explain that more clearly to the House in view of the fact that there has been so much misunderstanding about it, by referring to one or two specific cases. Take the case of cups and saucers. The duty paid price of a dozen cups and saucers of a kind which comes into competition with articles manufactured in this country was in 1931, 28 annas a dozen. The ex-duty price in 1933, the average price of similar articles was ten annas eight pies a dozen. The proposed duty is now 15 annas bringing the duty paid price to 25.8 annas as against 28 annas in 1931. Honourable Members will see there that we have allowed for a fall in prices. Take another case of pottery. Take the case of tiles, six inches by six inches. The duty paid price in 1931 was 17 annas per dozen. The ex-duty price in 1933 was eight annas a dozen. The proposed duty is six annas a dozen bringing the duty paid price today to 14 annas a dozen as against 17 annas a dozen in 1931. There also we have allowed for the general fall in prices. (Interruption by an Honourable Member.) I am afraid I cannot give way to my Honourable friend. I could give a number of examples to the House, but I think those are sufficient to explain what really were the lines upon which we were proceeding in this matter.

Now, Sir, my Honourable friend, Mr. Ghuznavi, with some show of indignation, said that we were enormously increasing the rates of duty. He said that in some cases it was 200 per cent. and that in some other cases it was more than 200 per cent. If my Honourable friend, as suggested by Mr. Ranga Iyer, had made researches into the rates of duty imposed by Japan on these very articles, I am sure that his indignation would have abated somewhat. I have made those investigations and I think the House will be somewhat interested in knowing the result of those investigations. Let us take the case of hosiery in which my Honourable friend, Mr. Ghuznavi, is so deeply interested. Take undervests. The duty we propose is Rs. 1-8-0 a dozen. We have calculated that Rs. 1-8-0 a dozen is approximately the equivalent of nine annas a pound on a weight basis. I do not ask the House to accept that as final, because that question will come up for consideration when we are dealing with the Cotton Textile Bill and we can go into that matter then. For the present let us proceed on the assumption that the duty is equivalent to nine annas or even ten annas a pound. The duty on similar goods in Japan is 20½ annas a pound. Let us turn to the case of socks and stockings. We have there proposed a duty of something like nine annas a pound. What is the duty in Japan? The duty is 30½ annas a pound. I am sure, Sir, my Honourable friend, will not now persist in what I can only call hysterical criticism on the height of the duties we are proposing in this Bill. There are two other points to which I should like to refer. My Honourable friend, Mr. Das, asked me to support the statement that the specific duties we were now proposing were not going to have the effect of giving the United Kingdom a greater advantage. I have hastily collected a few

[Sir Joseph Bhore.]

figures. I may say at once that they are entirely in support of the proposition that he put forward. Take the case of boots and shoes. The duty we propose is six annas per pair. The average U. K. c.i.f. price is Rs. 2-4-0 per pair, so that the 25 per cent. duty, which will operate instead of the specific duty in this case, is equal to nine annas a pair whereas the rate we have proposed against Japan and other countries is six annas. Take the case of hosiery undervests. The proposed duty is Rs. 1-8-0 per dozen or 25 per cent. *ad valorem*. The average U. K. c.i.f. price for 1932-33 is Rs. 6-14-0 a dozen. 25 per cent. on that is equal to Rs. 1-11-6 per dozen as against 1-8-0 which we are now proposing. Take the case of lead pencils. A duty of one anna per dozen is what we now propose. The average U. K. price is 9½ annas per dozen. 20 per cent. duty which is the duty leviable on British goods is about two annas per dozen, which is twice the rate of specific duty we are imposing under this Bill on non-British goods.

Mr. A. H. Ghuznavi: Since when has this duty been in existence?

The Honourable Sir Joseph Bhore: I cannot give you the exact date. I could get the information if the Honourable Member wants it. Take again, the case of cast iron pipes. That is an even more striking case. The average value per ton of the Japanese imports was Rs. 73 45. We are now proposing Rs. 25 as a specific duty per ton. The average price of the United Kingdom article is Rs. 390 per ton. Ten per cent. the rate applicable on that comes to no less than Rs. 39. I think, I have said enough to satisfy Honourable Members that there is really no ground for the suggestion that we are through a back door increasing the preference that has been given to the United Kingdom.

There is only one point in conclusion which I would like to refer to and that is the suggestion that we should exempt from the duty those articles that came in after the 22nd December, and in certain quarters it was suggested that we might fix a date up to which that exemption might be granted. I am afraid I must oppose that proposal. We would have to apply that exemption, as Honourable Members will realise, to every single article covered by this Bill, and the administrative work that will be thrown upon the Customs Department would be extraordinarily difficult and heavy. Apart from that, there is another consideration and that is that the importers of these goods had the amplest possible notice. When the Safeguarding of Industries Act was passed in this House nearly a year ago, I made it perfectly clear that we had given notice of the denunciation of the Convention and that that Convention would expire on the 10th October. It must have been perfectly clear to everybody that we intended to take action as soon as we possibly could after the 10th October. Apart from that, a month or two afterwards the question of examining the case for safeguarding, in respect of the industries that had applied for protection under the Safeguarding of Industries Act, was taken up, a questionnaire was issued, it was communicated to all Chambers of Commerce and it was communicated to the industries concerned. Surely people must have known that we were definitely intending to take action under the Safeguarding Act! Now, if, judging from the figures I have given, enormous profits are to be made from this import business, then, if importers were prepared to take a risk because of the possibility of

making those profits, then I say they cannot come to us today and ask for *ex gratia* treatment. I am afraid I must oppose that proposal. I have nothing further to say at this stage. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair proposes to take the Schedule first. The question is:

"That the Schedule to the Bill stand part of the Bill."

Mr. Ghuznavi.

Mr. A. H. Ghuznavi: Sir, I move:

"That in the Schedule to the Bill, the proposed amendment No. 1 be omitted."

Sir, this is an item in the Schedule with regard to fish-oil and whale-oil, hardened or hydrogenated. My amendment is that this should be omitted. So far as we could see in the Select Committee, no case was made out for imposing this duty of Rs. 10 per hundredweight. I have received a telegram today from Bombay as follows:

"Owing increase duty whale fish oil importation totally stopped. See record all custom ports. If duty continued, business would be ruined and result would be special monopoly for Unilever manufacturers. If chance may be given for evidence, ready to prove. Hoping to hear favourable result."

Sir, the case that was made out before us by certain firms in Bombay was that the only party that would benefit by this duty would be the Unilever Company, which is a foreign company. Lever Brothers are in England, and they have started business here as "Unilever Company". The progress of the Unilever Company will mean the ruination of the many Indian soap factories in India. No Indian soap factory will be able to compete with the Unilever Company and, therefore, let us not give them further facilities by putting this duty on this item No. 1. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, the proposed amendment No. 1 be omitted."

Dr. Ziauddin Ahmad: Sir, before I advance my arguments in favour of this motion, I should like just to continue the story of the biped which my Honourable friend, the Commerce Member, gave to this House. He told us that I was riding a pair of horses, and one of the horses was the manufacturer and the other was the consumer. But, unfortunately, what he has done is that he has driven out one of the horses—the consumer—and in the place of the consumer he has put a new horse altogether which may be said to represent "Finance". So he is also trying to ride two horses, one the manufacturer and the other finance, and, unfortunately, the most important horse, which is the consumer, has been

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driven out altogether, and, while I know that my two horses are driving me in opposite directions, perhaps at cross purposes, I try to find out a *via media* between the two pulls, that is, the consumers and the manufacturers. Sir, if I may be permitted to say so, in the two cases, taxation and the restriction of liberty, it has been the tradition that Members are allowed to have their say in full. We know that the Government have got a majority and the only thing we can do is to lay our grievances before this House, and I submit that the motion for closure by Government on these two matters would really do an injustice to the country.

Coming to the motion before the House, it has been said very clearly on the floor of the House that the Bill is really intended to restore the same competitive conditions, on account of the depreciated currencies of Japan, as existed in 1930-31. This particular fish-oil is not being imported from Japan, a very small proportion only is imported from Japan, and most of it is imported from other European countries which have not got depreciated currencies to the same extent as Japan has got. Now, if the intention is to stop an adulterant of ghee altogether, then this proposal, upon which we always lay great stress, as we always emphasize that an adulterant of ghee should be stopped altogether, what is called vegetable ghee, is nothing but an adulterant for ghee, and, to protect this particular industry which is used only as an adulterant of ghee, is an action which to my mind is not justifiable. We are stopping one form of adulterant in order that the second form of adulterant may be manufactured on a higher scale. Sir, in this connection several representations were made to the Honourable the Commerce Member by various bodies dealing with the subject, and I may be permitted to quote some passages from these representations. One passage runs thus:

"From protection point of view one thing may be added and it is that price of groundnut oil at Bombay is Rs. 7.5 per 80 lbs. of oil delivered. Adding all expenses, depreciation of machinery, big profits and every item of expenses, commission, etc., included, the cost of production cannot exceed Rs. 4 per 80 lbs. So the maximum sale price that should accrue should be Rs. 11.5 per case. Against this the lowest foreign quotation is Rs. 14-12 c.i.f." |

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

From the above quotation it is clear that this industry hardly needs any protection. The cost of production is really much less than the price quoted for the same article from outside. This being the case, I do not see any justification for protection. Then, my friend said that he wanted to restore the price level of 1930-31 and I should like to know how he can justify this restoration of price level of 1930-31 in this particular case when we find that the price of articles manufactured in this country is much less than the price of the imported articles. Now, Sir, I quote from another representation to the Honourable the Commerce Member:

"We hold that the proposed duty of Rs. 10 per Cwt. on Fish oil is absolutely unjustified. We have a very strong case supported by documents signed by the Indian manufacturers and Foreign exporters as also Government statistics that the duty has been proposed under misleading case prepared by the Unilever Factory at Bombay."

We would like to know on the floor of the House how that particular case arose and whether it was misleading or not. This is a point which I think ought to be considered when it has been definitely mentioned. Sir,

I would like to quote one or two other passages from the same memorandum:

"We can prove from documents that the manufacturers of Holland, who were importing more than 75 per cent. of vegetable ghee in India before the start of the Bombay Factory, are the people who own Bombay Factory."

It then runs on:

"Small quantities of vegetable ghee are imported from Holland by the owners of the Bombay Factory at high rated invoices. . . . The result of this policy has been that imports of vegetable ghee have fallen right downwards as under. Customs Revenue derived from vegetable ghee was :

1928-29	. . . . .	26.6 lacs.
1929-30	. . . . .	18.0 lacs.
1930-31	. . . . .	16.4 lacs.
1931-32	. . . . .	5.2 lacs.
1932-33	. . . . .	Not available.

The present India rate at the ports of the Bombay factory is Rs. 15.4 at Karachi and Calcutta and Rs. 14.8 f.o.r. Bombay. No foreign country is quoting at the moment for vegetable ghee less than Rs. 14.12 c.i.f. Indian ports. How can this price compete with Rs. 14.8, when the former has to undergo expenses of Rs. 5.9 per case extra."

Now, I quote from another representation sent to the Honourable the Commerce Member. It runs thus:

"That the statement made to the Committee during its last sitting by the Honourable Government Member of Industries and Commerce, Sir Joseph Bhore, that imported Whale and Fish oils are only used for adulteration with pure Ghee is absolutely incorrect for if proper inquiries are made in different provincial towns in the country you will find that it is used for making what is called *Tawda* Ghee by mixing it with major portion of crude oil (ground-nut) and is then sold to the poorer classes, a majority of whom are Muslims at 2 to 3 seers per rupee since the poor classes cannot afford to buy pure ghee at Re. 1 per seer or even less when the prices go up in the winter season. It will not be out of place to mention here that before the advent of these imported whale, fish oils and vegetable products from Denmark, Holland, Norway, Germany and lately from Japan adulteration of ghee was done on a very large scale with all sorts of dead animal fats, pigs too and other inferior ingredients and especially in Bengal and Assam even the python (snake) fats and therefore the import of fish oil had effective check on such dirty mixing."

Mr. N. M. Joshi: Both vegetable oil and fish oil are for adulteration.

Dr. Ziauddin Ahmad: The vegetable oil which is nothing but hydrogenated or solidified groundnut oil, is used for a double purpose. Most of it is used as an adulterant for ghee and part of it is sold as vegetable ghee, although it is nothing but the groundnut oil under a false name. The case of whale oil is also the same. It is used as an adulterant of ghee and also it is mixed with groundnut oil. It is called *Tawda* ghee and is sold at a cheap rate. The point is this. If the intention of the Government is to stop the adulteration of ghee altogether and this duty is to be imposed with that object followed by a very heavy excise duty on the manufacture of vegetable ghee here, then I can understand it. But if you stop one form of adulterant in order to encourage another form of adulterant, then to my mind, this is not a justifiable process. Therefore, on this ground, I am of opinion that this thing may be removed altogether. In the first place, the question of the competitive price, which is really the principle of the Bill, does not arise in this case. Secondly, this particular article is not imported from Japan which, on account of the depreciation of the yen, could be managed to be sold cheaply. Thirdly, if

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we are to follow the principle that all adulterants should be stopped, then we should take effective steps to impose a heavy excise duty on another form of adulterant which is manufactured in this country. As my Honourable friend pointed out, there are only two small factories owned by Indians and the two biggest factories are owned by foreigners. Therefore, I see no reason why we should take steps to encourage the manufacture of this particular adulterant. On the one side we are adulterating our ghee and making pure ghee an impossibility and, on the other side, we are encouraging foreign enterprise. If the Government are not prepared to stop the adulterants of both kinds, whether groundnut hydrogenated oil or whether whale oil, then I see no reason why the other thing should be encouraged. From the point of view of health, as was said on the floor of the House, vegetable ghee is not injurious. From the point of view of nourishment, it is very inferior. But the whale oil and the fish oil are much more nourishing than ordinary ghee. I do not see any logic in stopping it. I cannot understand on what ground this particular item has been included. It does not come under the safeguarding of industries, it does not come under the category of equalising price conditions; it is really objectionable on the ground that you are encouraging one form of adulterant for the sake of another form of adulterant which has less nourishing capacity than the adulterant which we intend to stop by this motion. With these words, I support the motion.

Sir Leslie Hudson (Bombay: European): Mr. Deputy President, I rise

4 P.M. to support this amendment. My Honourable friend, Dr. Ziauddin Ahmad, has very rightly said that there is no justification for the inclusion of this particular item in this Bill. Of the two items of whale oil and fish oil, the whale oil, which is the main item of the two, is not imported from Japan at all. Admittedly it comes in, as the learned Doctor has said, as an adulterant, in fact it is an adulterant to an adulterant, and, if you are going to do away with the one, why not stop the other also. Adulteration is a necessary matter if the poor people are to get their ghee at a reasonable rate. The consumer,—about whom we have heard a good deal in the course of the debates of the last three weeks and also on this occasion, the consumer comes in, because he has to eat ghee and he has to pay for it, but he cannot afford to pay the high price which is charged for pure ghee in this country. Adulteration in this case is not unhealthy, it is not bad for people's health, it is perfectly good stuff to eat, and whale oil is very nourishing. Then there is also the point that there would be a considerable fall in revenue and at a time when the Honourable the Finance Member is looking in every direction to make up losses in customs revenues, here is another item going west. The people for whose benefit this item is put in the Bill appear to be the factories which my Honourable friend, Dr. Ziauddin, mentioned. Those factories have not, so far as this House is aware, made any application to the Tariff Board for an investigation of their position and for protection and I consider that this is a somewhat back-handed way of getting what they want instead of taking the obvious step of going to the Tariff Board and putting their case before them. I do not wish to detain the House further, Mr. Deputy President, and I support the amendment.

Mr. B. Des: Sir, I did not wish to intervene in this debate, but when my Honourable friend, Sir Leslie Hudson, spoke, and, with all his great wisdom and peaceful intentions, threw on the floor of the House a bomb

Sir Leslie Hudson: Oil, not a bomb.

Mr. B. Das: Oil was the cause of the great Indian Mutiny. It was said that certain rifles were supplied to the sepoys and they were greased with cow fats and pig fats. So greased cartridges were the cause of the Mutiny in 1857, and the soldiers, both Hindus and Mussalmans, revolted. I already indicated in my speech earlier in the day on the general motion for taking the Bill into consideration that it was repulsive to the Hindu sentiment that for lucre, that for gaining a few rupees, these importers for the last three years have brought this hardened whale and fish oil to India to be an adulterant of ghee. Sir, if the statements which Government have supplied are correct, it will be seen that only two countries send whale and fish oil, and they are Japan and Denmark. Of course, Denmark has got whales. But we know that Japan is situated in a part of the world where no whales are to be found. Therefore, it would be immoral on the part of Japan. . . .

An Honourable Member: Why immoral?

Mr. B. Das: I am speaking about commercial and political immorality of Japan. It is immoral on the part of Japan to manufacture and supply such oil to India. These oils are imported into India and they are used as adulterants of ghee. I find that in 1931-32 Japan started the experiment first with hardened fish oil and they exported two tons to India in April, 1931-32. In 1932-33, Japan started exporting more and more and it went up to 256 tons in January, 1932-33, and, in December, it was 211 tons. We know, too, that Marwaris and other merchants in India import serpent fat from Japan and other countries and then use it along with plantain and wheat flour as adulterants of ghee. As I already said, it is repulsive to all Hindus, and Mussalmans also, as was only pointed out a few minutes ago by my friend, Dr. Ziauddin. Of course the complaint of my Honourable friend, Dr. Ziauddin, is not that he does not object to adulteration, but he objects and says "why not touch the other item, vegetable ghee and tax it". As I mentioned a few minutes ago, I do hope that Government will see their way to apply the Trade and Merchandise Marks Act and compel these people, who import vegetable products, not to sell them as vegetable ghee, but to mention them as solidified vegetable products. I should like to point out to my Honourable friend, Dr. Ziauddin, that the items which we are discussing here do not include vegetable oil products. Had these items been there, I would be entirely with him to enhance. . . .

Dr. Ziauddin Ahmad: To enhance the excise duty.

Mr. B. Das: Excise duty is a different matter which we can discuss during the budget discussion. I will be glad to put heavy tariff on vegetable products which have been coming from Holland for the past four or five years. I do subscribe to that view. I do appeal to my Honourable friend, Sir Leslie Hudson, not to be so hasty if a few importers had approached him to put forward their case. I am afraid they have not put before him the case properly. Those who belong to the Hindu community condemn this vicious and immoral principle in which, of course, my Honourable friends, the European importers, are not so much to blame. It is only the Indian importers, some of them belonging to high class orthodox Hindu community, who take these vegetable oils and

[Mr. B. Das.]

hardened fish oils and use them as adulterants of ghee, and they are to blame. I think my Honourable friend, Dr. Ziauddin, is satisfied now, and I hope the Honourable the Commerce Member will satisfy him that Government will take steps to tax the vegetable ghee that is imported to this country. But that is a different proposition. I oppose the motion which my Honourable friend, Mr. Ghuznavi, has brought forward. It is a new item of taxation; it is against the religious susceptibilities of all the Hindus and, as for its food value, I do not agree with my friend, Dr. Ziauddin, that hydrogenated fish oil has better food value than ground-nut oil. But that is a different issue. It is against the religious susceptibilities of the Hindus and, therefore, I condemn the suggestion on the floor of this House that this tariff should be taken off.

Mr. F. E. James (Madras: European): Sir, may I just correct one or two statements made by my Honourable friend, Mr. Das? I would remind the House that this Bill is not a food adulteration Bill nor is it a Hindu protection Bill. It is a Bill designed to safeguard certain industries against the extraordinary competition caused by imports from Japan at low prices owing to depreciated currencies, or indeed, from other countries for the same reason. I take it that that is the object of the Bill. Therefore, any proposal should be examined from that point of view. I suggest to the House that any consideration of food adulteration or of Hindu sentiment, however important they may be on ordinary occasions, have no place in this discussion at this particular moment. I claim that there is a real injustice here, because, in endeavouring to deal with one particular class of oil, you are in effect penalising another class, for which there is absolutely no justification. I understand the position is that this fish oil is coming from Japan in increasing quantities, whereas the whale oil comes from other countries; and, in order to protect the industry against fish oil, you are raising the duty not only against fish oil, but also against whale oil which does not come from Japan. Surely the Honourable the Commerce Member cannot place his hand upon his heart in this instance and say that this is justified. The obvious solution, if it were possible, would be to make a differentiation between these two products, but I am given to understand that that matter has been raised and that it is found to be practically impossible. Therefore, what is the House to do? There is a clear case of injustice; you cannot practically make any differentiation between these two classes of goods. The amount of fish oil that comes into this country from Japan is much smaller than the amount of whale oil which comes into the country from countries other than Japan.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

, And yet the larger amount has to suffer because of protection which you are wishing to give against the imports of the smaller amount. And I do suggest that in this instance there is an injustice and an injustice which, when all is said and done, is being passed on to the consumer in this country. And I ask this House in all sincerity to examine this particular issue from this point of view. The other considerations that have been mentioned by my friend, Mr. Das, are entirely extraneous to the subject matter before the House. This is a Bill designed for a particular purpose and, in achieving that purpose, we claim that under this item you are actually perpetrating a greater injustice than the injustice that you are endeavouring to redress.

The Honourable Sir Joseph Bhore: Sir, my Honourable friend, Mr. James, has asked us to consider this problem in the terms which we have applied to other industries whose case we are treating under this Bill. I would ask him to look at it from this point of view. You have in this country two industries: there is the ghee industry, and there is the vegetable fat industry. Those are both indigenous industries. It is quite improper to suggest that the vegetable fat industry is confined to a foreign company. Honourable Members must, I think, realise that you cannot call the Tata Oil Mills Company, for instance, a foreign company. That makes a considerable amount of an article which it calls Cocogem from coconut and copra. The Ganesh Flour Mills Company, Limited, in Lyallpur also makes this vegetable product. Of the two companies in Bombay, one at any rate is a very large Indian company and I understand that there are Indians on its Board of Directors. If, therefore, you look upon the vegetable fat industry and upon the ghee industry as industries to be protected against unfair or unequal competition of an abnormal nature, then I say that there is a very definite case in the present circumstances for acting as we are doing. I would bring to notice the actual effect of the duty we are proposing. In 1931,—I will take the Danish prices,—the Danish prices for 80 pounds of this article *cum* duty amounted to about Rs. 21. Today the price, with the specific duty we are proposing, amounts to something like Rs. 20-12-0. We are, therefore, below the price of 1931.

Sir Leslie Hudson: So is groundnut oil.

The Honourable Sir Joseph Bhore: That may be. But I submit that it is more in the interests of this country that we should do what we can to protect agricultural industries, and I say that both these industries are agricultural industries, than that we should be influenced by considerations of the import trade. My Honourable friend, Mr. James, said that Mr. Das was out of court in suggesting another consideration. I do not quite agree in that. I think it may well be used to reinforce the case which we think does exist for imposing this duty. This hardened or hydrogenated whale and fish oil is imported practically for the sole purpose of adulterating pure products. Whatever you may say with regard to other adulterants,—you may or may not have a case, I am not going into that at the present moment,—I think that, in coming to a general conclusion on this particular matter, we should take into account the fact that, in so far as this foreign hardened whale oil ousts ghee or vegetable products made out of vegetable seeds grown in this country, in keeping out this adulterant we are doing something definitely to benefit agricultural industries in the country. Apart from that there is this question,—and I do not think we can get away from it,—that adulteration with a product like whale or fish oil is repugnant to the religious sentiments of a very large section of the people. In these circumstances, I am afraid Government must oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in the Schedule to the Bill, the proposed amendment No. 1 be omitted.”

The motion was negatived.

Mr. A. H. Ghuznavi: Sir, I move:

“That in the Schedule to the Bill, the proposed amendment No. 6 be omitted.”

[Mr. A. H. Ghuznavi.]

This item refers to cotton hosiery, undervests, socks and stockings. Identically a new Bill has been introduced where you find these items also. A comprehensive new textile Bill has been introduced, and what do we find? In this Bill, duty has been imposed on cotton underwear at Rs 1-8-0 a dozen; and, in the new Bill, the duty has been imposed at nine annas a lb. That is what I call jugglery. Where was the hurry. the indecent haste, in bringing this legislation on the 22nd December, including this particular item in Miscellaneous and Sundry Goods, when you knew on that date that you were coming forward with a new comprehensive Textile Bill in which you would include these items? What is the position now? Those who cleared the goods today will have to pay Rs 1-8-0 a dozen; and, supposing, as the Honourable Member has just said, a dozen weighs about a pound

The Honourable Sir Joseph Bhore: I never said so.

Mr. A. H. Ghuznavi: I beg your pardon: I showed the other day that a dozen weighs less than a pound. Here you have imposed a duty of Rs. 1-8-0 a dozen, less than a pound; whereas, in the new Bill, the same thing will be cleared at nine annas a lb. Is it not strange? Why are you penalising these people for six weeks. You are upsetting the market. Supposing again it weighs nine lbs. The duty under this Bill will be Rs. 1-8-0 a dozen, but under the new Bill he will have to pay nearly five rupees. Similarly, on socks, the Tariff Board recommends eight annas a dozen; here you have put it up to ten annas. In this connection let me read to my Honourable friend, Mr. Ranga Iyer, the Tariff Board's recommendation: he had read the wrong page: I am now reading the right page

Mr. C. S. Ranga Iyer: The Honourable Member says I had read the wrong page, I admit, from his point of view; and he is reading the wrong page now, from my point of view.

Mr. A. H. Ghuznavi: At page 163 of the Tariff Board's Report, we find:

"The rates which we recommend are:

Underwear—per dozen—1-8-0

Socks and Stockings—per dozen pairs—8 as."

For six weeks, therefore, you are dislocating the trade entirely by bringing this item in this Bill. It is not as if you did not know in December that you were going to bring forward a new Bill, a comprehensive textile Bill, in which you were including these and other items. There was no justification to bring this particular item in this Bill on the 22nd December. Look at the hardships of the importers: those who have to clear now will have to pay Rs. 1-8-0 a dozen for undervests: but if they clear after another few weeks, when the new Bill comes into operation, then they will have to pay only nine annas a pound. This itself is an argument in favour of knocking this out of this Bill. The heavens will not fall if you take it out of this Bill: you are already bringing in a new Bill. The British Empire will not be lost. Look at the difference in rates. One will have to pay duty at nine annas a pound and the other at Rs. 1-8-0 a dozen.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What is the difference?

Mr. A. H. Ghuznavi: 'If a dozen weighs only half a pound, he will have to pay only 4a. 6p., whereas he has to pay Rs. 1-8-0 now per dozen. Similarly in the case of socks. In the old Bill, you have provided ten annas a dozen, and, in the new Bill, nine annas a pound. Supposing a dozen socks weigh only a quarter of a pound

Sir Cowasji Jehangir: How do you know that they will?

Mr. A. H. Ghuznavi: We will have to get it weighed in your factory; and if you want to see a sample, we shall show it the day after tomorrow. Therefore, in all fairness, this item should be excluded from this Bill, as we are going to discuss it in the new Bill which has already been introduced. Otherwise, you will dislocate the trade entirely. Here you have to pay very high prices or rates of duty, whereas the same goods will have to pay very low duty a few weeks later.

Sir Darcy Lindsay (Bengal: European): Increase the rates under the new Bill.

Mr. A. H. Ghuznavi: Even if you increase the rates, you have to increase them as per pound. Here you have it as per dozen. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, the proposed amendment No. 6 be omitted."

Dr. Ziauddin Ahmad: Sir, I support the motion. Taxation should be considered to be a very sacred matter. It is not a thing which we can play about with. If we really and honestly feel that trade in this country should prosper, then we should be careful and we should remember how these taxations are levied and regulated. Once there is a feeling in the country that the Government are playing about with taxation, the people will become nervous in putting their money in trade, and the volume of our trade which is already on the decline and which has fallen already to less than 50 per cent. will go down still further, because the people will lose confidence in it. Within the next few weeks, the Government are going to lay two taxation Bills in both of which this particular item is included. The Government have not made up their mind whether they are going to levy a specific duty at so much per dozen or so much by weight: in one Bill it is Rs. 1-8-0 per dozen; and, in the other Bill, which has already been circulated and which will come up again, it is put there at nine annas a pound. The incidence of taxation in one Bill is on a certain line, while in the other Bill it is on a different principle, and the whole thing is discussed in the course of a few weeks. I would request the Honourable the Commerce Member and the Government to make up their minds quite definitely one way or the other before bringing forward legislation in this House, and not to make one proposal on the 22nd of December and bring before us an entirely different proposal on the same items in the same Session. It might be said, Sir, that one is the result of the Report of the Tariff Board, and the other perhaps is the result of the Agreement with Japan. It may be so, but the Japanese agreement is not before us, and we do not know what it is, and I think it is doing very great injustice to the Legislature by placing before it a Tariff Bill without

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giving the House an opportunity to discuss the convention that our Government have arrived at with the Government of Japan. It is also not correct to present a Bill in which they seek to give effect to a certain convention that may have been arrived at between two individuals, one in Bombay and one in Lancashire. We may agree entirely with the substance of the Bill, but we do not agree with the principle of the Government trying to give effect to any kind of agreement that may have been arrived at between two individuals or another Government in regard to certain proposals without giving us an opportunity to discuss the agreement between Lancashire and India. Sir, it is quite possible that Hosiery might have been mentioned in the Japanese agreement, and it is on account of that that they have included it again in the second Bill, which is before us, but the text of the agreement is not before us. When they laid the first Bill before us, Government said it was done on the recommendation of the Indian Tariff Board, but the actual Report itself was not before us then. First they asked us to swallow up the principle of the Bill, because it is in the recommendation of the Tariff Board, and, after we had swallowed it, they presented the Tariff Board Report to us. The same is the case with the other Bill, and they say—"Here is the convention between us and Japan. There is convention between Bombay and Lancashire. The Bill is the outcome of conventions. We will show you the conventions after the discussion of the Bill." I know that the Government have the majority on their side, and we know that we are in a minority; but, Sir, at the same time, I must point out, there is the country behind us which can judge the actions of the Government. It is not correct to pass these measures by the sheer force of the majority that the Government have in this House. Sir, the question of taxation is a very sacred one, and it is not desirable that we should play about with it. From the 22nd December, 1933, people will begin to pay one rate of duty, and as soon as the next Bill comes in, and I am sure it will be carried, because, as I said, any proposal that Government will lay before this particular Assembly will be carried,—people will begin to pay another rate. The Government, on account of their majority, are callous to our opposition. At the same time they must understand that we have got some responsibility to our voters, that we have a responsibility to our country. I may point out certain difficulties which would arise if we have two principles of incidence in the two Bills which you will have to pass in the course of the same Session. In one case, I thought, probably you, Sir, would give us an opportunity to discuss in full the matter at the consideration stage, and so I did not bring the samples with me, otherwise I would have shown that if you agree to the principle of Rs. 1-8-0 per dozen, then there are small articles which are going to be very heavily taxed. For example, I have got here a figure,—and the samples unfortunately are not with me just at present,—but the duty on this smallest article works up to 266 per cent., for the next larger size it works up to 204 per cent., and for the third size it works up to 170 per cent., and for the next size it works up to 117 per cent. and so on, and so the duty really ranges between 266 per cent. and 117 per cent. Sir, this principle is wrong, that is to say, you levy a duty of Rs. 1-8-0 without making a proper classification of the sizes. There ought to have been three classifications, the boys' size, men's size and a bigger size, and there should also have been a variation in the class even if the principle of specific duty had to be accepted . . .

Mr. S. C. Mitra: What about ladies' sizes?

Dr. Ziauddin Ahmad: I expect the other gentlemen who would follow me would fill up the gap. Sir, it is rather unfortunate that we have the same rate of duty to three different sizes at Rs. 1-8-0 a dozen and the duty *ad valorem* works up in the case of children's size to something between 117 per cent. to 266 per cent., and this is really very heavy. The only alternative is to change the incidence of taxation into weight. I considered this question, but I rejected it for entirely different reasons, and one of the reasons was,—if we went by weight, then there are some fleecy undergarments which are not manufactured in this country . . .

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): No, they are manufactured in this country.

Dr. Ziauddin Ahmad: Will you please show me a sample?

Mr. S. C. Sen: Yes, certainly.

Dr. Ziauddin Ahmad: I was given to understand that fleecy undergarments are not manufactured in this country, but my friend says that they are manufactured here.

Mr S. C. Sen: They are manufactured in Bengal.

Dr. Ziauddin Ahmad: But still whether they are manufactured in this country or not, the important thing is that some of these heavy substances have got very great weight, and there the incidence of duty will work up to a very high figure if we impose the duty by weight alone. Therefore, whatever incidence of taxation we may adopt, whether by number or by weight, certain classifications will have to be made. If we adopt number, we should require a classification in such a way that children's garments should not pay Rs. 1-8-0, and the duty should be about twelve annas, on the next larger size the duty may be a rupee, and on the next bigger size it may be Rs. 1-8-0. These facts will again come before us for consideration when we discuss the textile Bill which is really the substance of the next Bill,—when the whole question of textiles will be before us, when we will consider all the details of this question in all its aspects. What is the necessity for choosing and selecting one particular article out of the whole lot of textiles and putting it in this particular Bill? I have also noticed that the Tariff Board deals with the whole textile industry, and they have devoted only a few pages to the hosiery industry, because that was not the main question which they had to deal with. Their main question of investigation was textiles which really forms the major industry in this country, and, therefore, I suggest that the whole question of textiles in all its aspects ought to be considered as one indivisible whole and not in separate items. Therefore, I do not understand why you have chosen a single item out of the whole group of textiles and put in this Bill, and bring it up again in the second Bill with an entirely different incidence of taxation! Sir, if we begin to play about in this manner, then, I am afraid, people will lose confidence in the Government, they will not know on what principle taxation will be levied, they will think that the Government will suddenly come forward and stop the trade by putting

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a very heavy duty, or they may put in a duty not twice or three times or four times, but even ten times. We may say that people were prepared for it under the Safeguarding Act, but, at least when we passed that Bill, we never intended that the duty on any article should be raised to ten times,—but certainly it could not be dreamt that the duty would be 267 and 250 and 200 per cent. That has never been the intention of the Safeguarding Act, and if the Government applied the Safeguarding Act to the duty to ten times, I am afraid they will be misusing the privilege which this House placed in their hands. So I think the question of textiles and hosiery should be considered as one indivisible whole, and one particular article should not be singled out from the whole series and put in this Bill. They would make people nervous, so that they cannot carry on any kind of trade, because Government may at any time come out with different duties at short intervals. Our complaint against the textile Bill is of a different nature. Our complaint there is that the Bill comes first, and the agreement comes afterwards, the cart is put before the horse. Our complaint is not that they have considered the whole of the textile questions and included hosiery in it. I am against its separation. I must say that there is no reason for that, because every committee, that enquired into the textile industry, also dealt with the question of hosiery. Therefore, the separation of hosiery is not at all justifiable, but if the Government, for reasons best known to themselves, had decided that the two should be separated, then it should not again be amalgamated, and put in again in the second Bill. It is really playing with taxation. Taxation is a very important trust. Taxation ought to be levied only after very careful consideration and nobody should play with it and change the incidence of taxation and bring the same article for taxation in the same Session once in one way and again in another way. I appeal to the House that it should realise its responsibility in regard to this trust. I do not advocate protection or the reverse. I do not appeal in the interest of the consumers or the importers from Japan or other countries. What I do appeal to Honourable Members is that they should consider this question of taxation as a very sacred trust and not play with it. I do not know how much it would affect in practice and how much gambling will be introduced in the trade which will cease to be a scientific one altogether. Certain individuals, for instance, may take delivery of children's and boys' undersuits by paying a duty of about 224 or 200 per cent., and suddenly when this duty is levied on weight basis, it would be reduced to something like 66 per cent., what would happen to those people who had taken delivery at 224 per cent. duty? I think, hosiery being an inseparable part of the textile industry, it ought to be included in the textile Bill and treated on its merits. Therefore, there is absolutely no justification whatever to separate this particular article from the whole and put it in this Bill. If you put it in this Bill, then why not handkerchiefs and certain kinds of silks, which are also imported from Japan? I appeal once more to Government to consider this question very carefully and to exclude this particular item from this Bill and consider the whole of the textile things as one problem. I once more appeal to the Government to realise the difficulties of the Opposition. Don't ask us to consider the textile Bill without letting us know what the text of the agreement between England and Japan is, without letting us know what the opinion of the Government on that private agreement between two individuals is. With these few words. I support this motion.

Mr. K. C. Neogy: In my experience in this House I have found nothing more stimulating than a speech of my Honourable friend, Mr. Ghuznavi, it that is reinforced by my colleague, the Doctor, sitting behind me. Originally I had no intention of participating in the debate on this particular amendment, because I thought that there were more important amendments coming on, but I have to point out to the House that, when Dr. Ziauddin Ahmad was making his speech, he was not quite aware of what he had stated about a year ago. My Honourable friend makes so many speeches that it is not possible for him to remember what he says on any particular occasion. (Laughter.) In April, 1933, when the Safeguarding of Industries Bill was brought before this House, my Honourable friend gave it his whole-hearted blessings. He said, concluding his speech :

"Sir, I very much appreciate this Bill and I give my whole hearted support to it, and I hope the Commerce Member will prove, as my Honourable friend, Mr. Mitra, said, a benevolent despot and will look after the interests, not only of the bigger industries of Bombay and Calcutta, but also of smaller industries"

That was a Bill which proposed to leave absolute discretion to the Executive Government in the matter of imposing additional duties for the very same purpose for which we are considering this particular measure. Happily for us, happily for everybody concerned, an agreement has been concluded with Japan. At that time, it was not quite certain as to whether a proposal based upon an agreement would be possible to be brought forward in this House. Government were naturally anxious to take power to safeguard the nascent industries of this country in that measure and my Honourable friend, Dr. Ziauddin Ahmad, was on that occasion very confident that he could safely leave the interests of the country, the consumers and all that, in the hands of the Government. Not merely that, but, while speaking on that occasion, he commended to the favourable consideration of Government the case of the hosiery industry. And this is what he said. Referring to a speech made by my Honourable friend, Mr. Mitra, he said :

"I know something about it (*meaning the hosiery industry*), and I have been in communication with some people and I know that this is an industry which requires protection, and I hope that their case will be looked into in the same generous spirit as the case of the textile magnates of Bombay. . . ."

On that occasion he wanted the Commerce Member to behave as a benevolent despot and do the needful in the case of the hosiery industry. My Honourable friend's complaint is that the occasion for taking any action under that very extraordinary kind of legislation is past, and that we are in a position to legislate for the very same object in a normal manner, thanks to the Japanese agreement. Although in April last he was prepared to accept any action taken by the Government under that executive authority, he says now : "Well, why did you put hosiery in this Bill at all?" The complaint, particularly as put forward by my Honourable friend, Mr. Ghuznavi, is that the trade will get dislocated, because you are having another Bill based upon quite another principle. I was detained in Calcutta at the beginning of this Session, but when I arrived here, the first thing that attracted my attention was a big gathering round a table in the Library here and I found that all the members of the Select Committee along with my friend, Dr. Ziauddin, and my friend, Mr. Ghuznavi, were seated there trying to evolve some kind of an alternative draft. And as it is not a Select Committee appointed by this House, I think I am not quite out of order if I were to say that the primary reason, as far as I am told, why that informal committee could not come to an

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alternative conclusion based upon weight, which is the standard adopted in the next Bill, is the "fleece" argument brought by Dr. Ziauddin, based entirely upon a misapprehension. It is not for my Honourable friend to get up in this House and complain that you have not adopted the weight basis when I am told everything was about to be settled on that basis when came in my Honourable friend with that argument of his regarding fleece undervests. Now, Sir, I must say that I have got a good deal of sympathy

Dr. Ziauddin Ahmad: On a point of explanation. I never had any talks with the Japanese or their representatives at all.

Mr. K. O. Neogy: I never mentioned the word "Japanese" at all. I know that the Japanese are on the brains of some of my Honourable friends, but I never mentioned it. What I said was that I found an informal committee of members of the Select Committee sitting in the Library. That is all that I referred to. I must say that I have a good deal of sympathy with the argument that, if you adopt two different bases at such short intervals, the trade is bound to make a complaint. So far as that point is concerned, I have my sympathy with my friend, Mr. Ghuznavi, but the straightforward course for my Honourable friend would have been to seek to substitute some thing based upon weight as the standard for what appears in this Bill. The proposal to do away with the hosiery industry altogether, so far as the present measure is concerned, certainly might lead one to doubt the *bona fides* of my Honourable friend's professions when he said in his previous speech that he was all in favour of giving protection to this industry. The House is aware, I think even my Honourable friends, Mr. Ghuznavi and Dr. Ziauddin, are aware that the industry has to comply with a strict standard of proof of its case before it can come up for consideration in connection with a protective measure strictly so called. This measure, I dare say, is based upon a more summary inquiry than is contemplated by the Tariff Board inquiry. Although I am perfectly ready and willing to accept the conclusions to which the President of the Tariff Board, in conjunction with the Director of Commercial Intelligence, came in regard to these various industries, the fact remains that the standards of proof that an industry has to comply with before the Tariff Board and before this kind of inquiry are very different. Here is an industry which has run the gauntlet of a Tariff Board inquiry, which is a much more serious inquiry demanding much more stringent compliance with certain well-defined principles laid down by the Fiscal Commission. Now, is that industry to be selected by my Honourable friends for being omitted from this Bill, simply because it comes up for treatment in a later measure? My Honourable friend, Mr. Ghuznavi, himself was referring to the fact and making, I take it, a grievance of it, that, although the hosiery industry was recommended protection in 1932 by the Tariff Board, nothing was done all this time. Is that the industry which should be asked to wait? When is the other Bill coming up? My friend, Dr. Ziauddin, has rightly asked for more time to discuss the Japanese agreement before considering the Bill which is based upon it and he said: "you have put the cart before the horse". Now, by the time the horse gets restored to its proper position, what happens? Is this industry going to be asked to wait till that time?

Now, a word about the consumers. I take it, it is admitted on all hands that this very Bill has already raised prices to a certain extent, if not to the fullest extent of the duty. Now, there is that other Bill in the offing, and judging from the speeches made even by my Honourable friend, Dr. Ziauddin, and my Honourable friend, Mr. Ghuznavi, it seems to me that this particular proposal, the proposal for giving the hosiery industry protection in the second Bill, has some chances of acceptance by this House. Now, with that assurance in view, who is the dealer who is going to reduce the prices meanwhile, the prices having already been raised? Whom are you going to benefit? The only practical result of this would be to divert the extra duty from the pockets of the Government to the pockets of the importers and the dealers. Now, Sir, I do not know whether my Honourable friends have viewed it in that light. So far as I and my friends are concerned, we have definitely made up our mind that we shall not be a party to any such thing.

The Honourable Sir Joseph Bhore: Sir, I do not think I have very much to say on this amendment except to point out to the House that it is a most insidious measure. What it proposes to do to all intents and purposes is to allow hosiery to come in since the 22nd December until such time as the other Bill passes this House on terms which would make it impossible for the local industry to compete with the imported article. We know that, at any rate so far as my information is concerned, contracts to the extent of nearly a million and a half dozen have been placed in Japan. If between the 22nd December and, say, some time in March, the door is left wide open, I would ask the House, what is going to happen? So far as we have any information in this matter, we find that the mill production in the country amounts to something like 750,000 dozens, but the cottage and small scale industry amounts to something like 3,700,000. The total comes up to something like 4½ million dozen a year. If we assumed that nothing more than a million and a half came in within three months, that at any rate is something like 30 per cent of the actual production of the industry in one year. I do not think, in those circumstances, the House would agree to a measure which would practically mean that the local industry would have, for three months, to face a competition which has become wholly uneconomic. I must oppose this motion strongly.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, the proposed amendment No. 6 be omitted."

The motion was negatived.

Dr. Ziauddin Ahmad: Sir, Amendment No. 7 is a consequential amendment to No. 12 which concerns the main pound basis, and, if that is not accepted, then this cannot come in. So may I just request you to take up No. 7 after No. 12 has been disposed of? Sir, I beg to move:

"That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 43D(1), for the words 'one rupee and eight annas per dozen' the words 'nine annas per lb.' be substituted."

No. 7 is really a consequential amendment to this amendment. Sir, my object in moving this motion is that this might be brought into agreement with the second Tariff Bill which is now before us. The

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second Tariff Bill is really a more comprehensive one. It includes practically all the items involved in a textile industry and the principle that we adopt for the textile industry should also be applied to this sub-head of hosiery which is included in Textiles and I think it is also not desirable that we should have a change in the angle of incidence from one to the other in such a short time. We know very well that the weight basis would be adopted after a few months as soon as the second Bill was through, and more or less it would be permanent. Therefore, during the short interval of a few months, to have an entirely different basis is not very desirable. Of course, no doubt this is a question which I had been considering very carefully and, at one time, independently of the second Bill, I thought that the weight basis would do. So I changed my opinion subsequently on account of the heavy fleecy undervest which, my friend challenges us, can be made in this country, but about which my information is that it is not made in this country. It is a question of facts which can be verified only by those persons who have first-hand information. We should have liked to see some of this heavy fleecy stuff from Calcutta on the floor of the House. However, my point is, do not change this angle of incidence, because this will make an enormous difference in the *ad valorem* duty. I just said that if we adopt the Rs. 1-8-0 basis, the duty will work up from 25 per cent. to 266 per cent. in the case of the lowest size undergarment and leaving out the fleecy substance to about 269 per cent. in the case of an article whose value is Rs. 2-13-0 a dozen; and now if we carry a weight basis, then the value of the taxation will be different. In the case of the weight basis, this is the enormous duty to be paid. Taking the first item, that is, garments whose sizes are 16×20, their weight is 13 ounces only, and, according to the weight basis, the duty will be seven annas and the new price of this is nine annas. So the duty will work up to something like 80 per cent, but on a number basis, it works up to 266 per cent. Therefore, in one case it is 80 per cent. and, in the other case, it is about 266 per cent.; and as we are sure to have to change it later on, I think it is not desirable to do it now. I agree that if the second Bill had been before the Select Committee, then we would have followed the weight basis, because there were a large number of persons who were in favour of the weight basis, and had I the slightest idea that the weight basis would be adopted in the second Bill (it was really before us only 24 hours after I signed the whole thing), then I would have agreed to the weight basis and that basis would have been in the Select Committee's Report. The fleecy garments may stand on their own footing for which I have got a definite amendment before us. Therefore, as we definitely know that the second Bill will come before us where the duty will be nine annas a pound, that will be the best thing when this duty will be imposed on this particular item.

Then, why not impose the very same duty, from now onwards, so that there may not be a second dislocation as soon as the second Bill comes into force? I know the majority of the members of the Select Committee held the opinion that the weight basis would be better and more equitable than the number basis, and since it is going to be adopted, why not do now what you are going to do tomorrow? Then I pointed out that the proposed change in the angle of incidence was not very desirable just now. If

Government have made up their mind that they would adopt the weight basis in the second Bill, then adopt the same measure from the very outset and not leave it to the vicissitudes of the future.

Now, as a matter of fact, my friend, Mr. Neogy, has drawn my attention to the speech which I delivered in the case of the Safeguarding Act. No doubt I then agreed that we should give a blank cheque to the Government for the reason that the Government were in a better position to judge and decide upon the rival claims of the different parties. I noticed that there was one party whose claims were entirely overlooked, and that is the party of the consumer; but, as far as the importers and the manufacturers are concerned, their claims can very well be considered by the Government and the rival claims can be considered by them, because we on this side of the House have our prejudices and predilections in favour of one or the other and, therefore, I thought the Government would be in a better position to decide; and, when we passed the Safeguarding Act, most of us were under the impression that the duty would be raised, say, from 25 to about 40 or 50 per cent, but we never contemplated that the duty would be raised to 266 per cent, which is really imposed in the case of certain articles. It was never in my mind that the duty would be raised to this enormous extent. No doubt we still have great trust in the Government that they will look after the interests of the people in this country and also that they will look after the interests of the trade in this country. We have laid before them the point of view which we possess and we do think on this side of the House that the change in the angle of incidence may affect the trade. It may benefit certain individuals and may not benefit the others or it may be injurious to them. Therefore, it is very desirable that the Government may make up their mind in one way or the other and very definitely pursue the same principle in both the Bills. My complaint last time was not about the taxation, but my complaint was that the change of the principles of taxation in the same Session of the Assembly, within the course of a few weeks, was not desirable. In this particular amendment I again request that, if the Government have decided to follow the weight basis in the second Bill, they should adopt it now, so that there may not be any dislocation when the second Bill comes into operation. With these words, Sir, I beg to move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 431(1), for the words 'one rupee and eight annas per dozen' the words 'nine annas per lb.' be substituted."

Mr. S. C. Sen: Sir, I oppose this amendment for this reason that we tried to come to an agreement as regards the weight basis, but we failed and everybody accepted the Bill as it was in the Select Committee. Although we know that there is another Bill coming in which nine annas has been given per lb., I think personally that it is very low and it does not help the trade at all.

Dr. Ziauddin Ahmad: May I just interrupt my Honourable friend. He said that in the Select Committee we knew that the second Bill was coming in which the taxation would be nine annas a lb. On the other hand, I did not know this fact till I came here on Monday last. I do not know where my Honourable friend got this information from?

The Honourable Sir Joseph Bhore: May I make a personal explanation? Mr. Sen was right, because I definitely made that statement in regard to the duties in the new Bill.

Mr. S. C. Sen: We considered this point in the Select Committee and I have also consulted the trade people and they also think that nine annas 1 lb. will be absolutely inadequate for the protection which the Bill offers to the trade. Under these circumstances, I need not waste the time of the House, but I oppose it.

Mr. S. C. Mitra: Sir, I agree with my Honourable friend, Dr. Ziauddin Ahmad, that if there could be one rate of duty for socks and undervests, both for the present Bill and the Bill that is coming, it would be very much better and desirable. But I would ask my friend, Dr. Ziauddin, to look at it from the practical standpoint. Now, the duty has been realised on a particular basis and most of the goods have been cleared from the customs warehouses, how is it practically possible to substitute weight for size, the weight of articles already cleared cannot be obtained. I think, from the practical standpoint, it is impossible to accept this amendment. So I oppose this motion.

The Honourable Sir Joseph Bhore: Sir, my Honourable friend, Mr. Mitra, has taken the argument from my mouth. The point I was going to emphasise was that, from the practical point of view, my Honourable friend's amendment could not possibly be accepted. There is only one other point that I wish to make and it is this. We have in this Bill adopted as the basis for this duty the basis recommended by the Tariff Board. It was because of a very general expression of opinion that a weight basis should be substituted for a numerical basis that we in the new Bill substituted what we considered to be the equivalent of Rs. 1-8-0 a dozen. I want to make it clear to the House that the duty which we have specified in the new Bill has not yet been settled; it has yet to receive consideration in this House. It would, therefore, be quite improper for us to proceed upon the suggestion that we should here and now accept the figure that is entered in the other Bill which is still to be considered in Select Committee and accepted by this House. I oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 3D(1), for the words 'one rupee and eight annas per dozen' the word, 'nine annas per lb' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): Dr. Ziauddin Ahmad said that amendment No. 7 was consequential, and, therefore, it does not arise now; it falls.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th February, 1934.

ERRATUM.

In the Legislative Assembly Debates, dated the 8th February, 1934, .
Vol. I, No. 11, page 655, under "Members Sworn", for "Sidney" read ⁱⁿ
"Sidey".

LEGISLATIVE ASSEMBLY,

Wednesday, 14th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Mr Herbert Aubrey Francis Metcalfe, C S.I., C I.E., M.V.O., M.L.A.
(Foreign Secretary).

QUESTIONS AND ANSWERS.

ABSENTEE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

126. *Mr. S. C. Mitra: Will Government be pleased to state the names of the Members of this House who were absent—

- (i) during the whole of the last Special Session held in November-December, 1933;
- (ii) during both the Special Session at New Delhi and the Autumn Session at Simla, 1933;
- (iii) during the budget, Autumn and Special Sessions in 1933; and
- (iv) during all the Sessions in 1933, and the Autumn Session at Simla, in 1932?

The Honourable Sir Brojendra Mitter: A statement containing the information, as far as available, is laid on the table.

Statements showing the names of Members of the Legislative Assembly who were absent from the meetings of the Legislative Assembly held in Autumn Session 1932 and all the Sessions in 1933.

During the Special Session held in November-December, 1933. During both the Special Sessions at New Delhi and the Autumn Session at Simla, 1933. During the budget, the Autumn and the Special Sessions in 1933. During all the Sessions in 1933, and the Autumn Session at Simla in 1932.

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|---|--|------------------------------------|
| 1. Rao Bahadur Mothay Narasimha Rao. | 1. Rao Bahadur Mothay Narasimha Rao. | 1. Diwan Bahadur T. Ranga-chariar. |
| 2. Diwan Bahadur T. Rangachariar. | 2. Diwan Bahadur T. Rangachariar. | 2. Thakur Mahendra Nath Shah Dro. |
| 3. Mr. B. Rajaram Pandian. | 3. Mr. B. Rajaram Pandian. | *3. Sir Ibrahim Rahimtoola. |
| 4. Sir Ibrahim Rahimtoola. | 4. Sir Ibrahim Rahimtoola. | |
| 5. Mr. N. R. Gunjal. | 5. Mr. C. C. Biswas. | |
| 6. Seth Haji Abdoolla Haroon. | 6. Sir Abdur Rahim. | |
| 7. Mr. C. C. Biswas. | 7. Khan Bahadur Makhdum Sayad Rajan Bakhsh Shah. | |
| 8. Mr. Nabakumār Singh Dudhoria. | 8. Thakur Mahendra Nath Shah Deo. | |
| 9. Sir Abdur Rahim. | 9. Sir Hari Singh Gour. | |
| 10. Mr. K. Ahmed. | 10. U Kyaw Myint. | |
| 11. Khan Bahadur Makhdum Sayad Rajan Bakhsh Shah. | | |
| 12. Rai Bahadur Sukhray Roy. | | |
| 13. Thakur Mahendra Nath Shah Deo. | | |
| 14. Sir Hari Singh Gour. | | |
| 15. Mr. Jehangir K. Munshi. | | |
| 16. U Kyaw Myint. | | |

*He was President of the Legislative Assembly up to the 13th March, 1933.

Mr. S. C. Mitra: Are Government aware of any case in which Section 93(2) of the Government of India Act was applied?

The Honourable Sir Brojendra Mitter: I should like to have notice of the question. I will have to search the records.

Dr. Ziauddin Ahmad: May I know if the names of persons, who, although present in Delhi, do not attend the Session, are included in the list of absentees just now presented to the House?

The Honourable Sir Brojendra Mitter: They are not in the list.

Mr. Gaya Prasad Singh: This question is a starred question. Will Government be pleased to read out the names from the list?

The Honourable Sir Brojendra Mitter: I have given the names in the list.

Mr. Gaya Prasad Singh: This is a starred question and the House would like to have the answer read out. Is it not the rule that the answer should be read out?

Mr. President (The Honourable Sir Shanmukham Chetty): Not necessarily. The Honourable Member, as a very old stager, ought to know that very frequently the statements given in answer to a starred question are laid on the table.

Mr. S. C. Mitra: Will Government please state what steps they take in case of Official Members and Nominated Members, because of their continued absence?

The Honourable Sir Brojendra Mitter: Government have nothing to do in the matter. As the Honourable Member will find on referring to the Section in the Government of India Act, it is a matter for the Governor General.

Mr. S. C. Mitra: Are Government aware that in the case of Official Members not a single day is allowed to pass when they are absent?

The Honourable Sir Brojendra Mitter: We try to fill up the vacancies as soon as we can. Certainly we do fill up the vacancies almost immediately. (Laughter.)

Mr. S. C. Mitra: Do Government take similar steps in case of Non-Official Nominated Members asking them to resign if they are continuously absent, and replace them by other Members?

The Honourable Sir Brojendra Mitter: I am not aware of any vacancy occurring in the case of Non-Official Nominated Members nor of steps taken by the Government in any such case. I should like to have notice.

Mr. N. M. Joshi: Are Government aware that it is the business of the constituencies to see that their representatives are present in the House and that it is not the business of the Government. (Hear, hear.)

The Honourable Sir Brojendra Mitter: Precisely.

Mr. S. C. Mitra: Is there any provision in the Government of India Act enabling a constituency to take steps to get an absentee Member replaced when he is continuously absent for a long time?

The Honourable Sir Brojendra Mitter: No express provision is necessary. If a constituency is dissatisfied with its Member, it can force that Member to resign his seat.

Mr. S. C. Mitra: May I take it that the constituency can force its opinion on the Member only at the next election, and that it cannot do anything during the interval between one election and another?

Mr. President (The Honourable Sir Shanmukham Chetty): As this is a matter that concerns the House, the Chair would suggest that, in such cases, though the constituency has not got any direct power to enforce its will on the Member, the experiment might be tried of the representatives from the constituency of an absentee Member making representations to His Excellency the Governor General asking him to exercise his power under that Section of the Government of India Act.

Mr. K. P. Thampan: May I know whether the Government have till now got any representation from any constituency regarding the conduct of such absentee Members?

The Honourable Sir Brojendra Mitter: Never, Sir.

Mr. Gaya Prasad Singh: Are Government aware that the continued absence of Non-Official Members facilitates the transaction of official business in the House. (Laughter.)

Sardar Sant Singh: May I know why no reply has been given to me to my letter to the Leader of the House calling his attention to take action under the provisions of the Government of India Act just now quoted by Mr. Mitra?

Mr. President (The Honourable Sir Shanmukham Chetty): The Leader of the House has nothing to do with that.

Sardar Sant Singh: Is it or is it not a fact that my Honourable friend, Mr. S. C. Mitra, who has put this question, was himself debarred under this very rule without any representations from any constituency and that he was unseated?

The Honourable Sir Brojendra Mitter: I do not know what happened. I have been seeing him ever since I have been a Member of this Assembly.

Mr. S. C. Mitra: While I was a Member of the Bengal Legislative Council and was arrested under Regulation III of 1818, after two months absence, the Local Government, without getting any representation from my constituency or anybody else, declared my seat vacant and then my constituency re-elected me unopposed and that showed that they were not anxious to keep my seat vacant.

The Honourable Sir Brojendra Mitter: That is very interesting information.

COMPETITION OF RAILWAY-OWNED COLLIERIES WITH TRADE INTERESTS.

127. ***Mr. G. Morgan:** (a) Are Government aware that the Madras and Southern Mahratta Railway have invited tenders for the purchase of approximately 7,000 tons of surplus slack coal from the Railway's Talcher Colliery?

(b) Is it a fact that Lord Crewe in 1913 declared it a wrong principle that Railway-owned collieries should compete with the trade interests?

(c) Is it a fact that Sir George Rainy in 1929 gave an assurance that the Railway-owned collieries would not do so?

(d) Do Government propose to take any action in this matter?

(e) Are Government prepared to issue instructions to the effect that Railway-owned collieries should reduce their production, if current production is tending to give an excess of slack coal, which would have to be sold?

(f) Are Government prepared to repeat the assurance given by Sir George Rainy in 1929?

(g) Are Government prepared to see that the principle that Railway-owned collieries should not compete with the trade is adhered to?

The Honourable Sir Joseph Bhoré: (a) Yes, this was done with the approval of Government.

(b) In answer to a deputation from the East India Section of the London Chamber of Commerce which waited on the Secretary of State for India on the 2nd June, 1913, Lord Crewe replied: "I do not think, if a railway company desires to acquire a colliery, that it is possible to impose a veto upon a transaction of that kind, provided of course it is understood that the railway merely uses the coal for its own transport purposes and that it does not act as a vendor of coal in the open market. That last consideration arises of course from the *quasi* governmental character of the railways which might produce an unfair amount of competition if they were allowed to act as rivals to colliery companies in the production of coal".

(c) Yes. I may add that the position of the Government of India was very clearly defined in a letter to the Indian Mining Association, dated the 2nd September 1929, which was published at the time. I lay a copy of the relevant paragraph from that letter on the table of the House.

(d) As I have said already, this action was taken with the approval of Government. The reason for permission being granted to the Madras and Southern Mahratta Railway to sell was that the retention of the slack coal at the colliery was considered to be dangerous.

(e), (f) and (g). Every endeavour is being made by railways to avoid accumulations of slack coal by utilizing slack coal wherever possible in place of steam coal but in spite of such efforts slack may accumulate and be a source of danger to the colliery. Though Government will do their best to see that railways do not place slack coal on the market they cannot commit themselves never to make a sale if circumstances should arise such as have arisen at Talcher.

Extract from Railway Board's letter No. 343-S. I., dated 2nd September 1930, to the Secretary Indian Mining Association.

"5. On the general question of principle, I am to say that the Government of India are clearly of opinion that the sale of slack coal by the State Railway Collieries, as part of their ordinary operations, is open to objection and should not be allowed. It follows of course that the output of the collieries and the consumption of slack by the railways must be so adjusted that in normal circumstances accumulations will not occur. They have instructed the Railway Board accordingly and have expressed the desire that the matter should be reviewed annually at the time that the output of the collieries for the year is decided. It may prove impossible to increase the consumption of slack with sufficient rapidity to obviate altogether the necessity for selling a certain quantity next year, though no effort will be spared to prevent this, and it is impossible to guarantee that exceptional circumstances may not necessitate occasional sales in the future. The Government of India recognise, however, that it is incumbent on the Railway Board to take all reasonable precautions to prevent accumulations of slack, and also, if sales unfortunately become necessary, to arrange the time and manner of disposal so that the inconvenience to the trade is minimised."

Mr. G. Morgan: Why is it necessary that the tenders for the purchase of this coal should appear over the signature of the Chief Mining Engineer to the Railway Board?

The Honourable Sir Joseph Bhore: He is acting on behalf of the Railway, I understand.

TRAVELLING ALLOWANCES TO VAN-GOODS AND PICK-UP SERVICE STAFF AT HOWRAH.

128. ***Pandit Satyendra Nath Sen:** With reference to the article "Grievances at Howrah" regarding travelling allowances to van-goods and pick-up service, which appeared on page 3 of the *Railwaymen's Times*, dated the 1st December, 1933, will Government be pleased to furnish the remarks of the East Indian Railway administration in regard to the complaints made therein?

Mr. P. R. Rau: Government have not felt it necessary to ask for the remarks of the East Indian Railway Administration on the allegation made. As the writer of the article himself recognises, there are other means of remedying such grievances than a question by my Honourable friend in this Assembly.

SHORT NOTICE QUESTION AND ANSWER.

COMMISSION FOR MONEY ORDERS SENT TO BIHAR EARTHQUAKE RELIEF FUNDS.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member, Mr. B. Das, has a short notice question today, but, before calling upon the Honourable Member to ask his question, the Chair would just like to make one observation. It has been brought to the notice of the Chair that the fact that notice of this question has been given by the Honourable Member has been published in a local newspaper before the question actually came before the President for admission. In this connection it is rather interesting to see that it was in 1925 that the Honourable Member, Mr. B. Das, himself drew the attention of the Chair

to the practice of Honourable Members publishing their questions in newspapers before they were admitted by the President. This matter elicited an observation from my colleague in the other House also. The House will agree that, in the interest of the privilege of the House, it is very undesirable that publications of this nature should take place in newspapers before these matters are officially published by the office of the Legislative Assembly. As a matter of fact, the Chair's attention has been drawn to even greater breaches of such privileges when reports of Select Committees and minutes of dissent of certain Honourable Members have been published in newspapers. If such a thing took place in the House of Commons, the Editor of the offending newspaper would be summoned before the bar of the House, and suitable punishment would be meted out. But, under our present Constitution, this House has not got such a right. Whether this House has such a right or not, the Chair thinks it is up to Honourable Members themselves to develop a convention which will be a prelude to the establishment and the acquisition of the right by this House and the Legislatures of the country. (Applause.) After all, this unauthorised publication is a breach of the privilege of the whole House and every individual Member is supposed to be a zealous guardian of the privileges of the House. The Chair would most earnestly invite the attention of the Honourable Members to the fact that, before we establish a claim to acquire such privileges, it is up to Honourable Members themselves in their conduct to see that they do not violate these well established privileges of Parliaments in other parts of the world. (Applause).

Kunwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): Sir, on a point of information, I may say that the other day when I gave notice of a short notice question, I did not send it to the Press, but still I found it in the papers on the next day. So I do not know who was responsible for its publication.

Mr. President (The Honourable Sir Shanmukham Chetty): If Honourable Members will take care that the information does not leak out through them, then we shall see if there are any other sources through which the information comes out.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, may I also support what has just fallen from my Honourable friend there? I have a short notice question which may come up tomorrow. I find that that has also appeared in the papers and I for myself can give you my word that I had nothing to do with its publication.

Mr. B. Das: Sir, I understand the Chair is in some difficulty, because it cannot give a definite ruling that such and such step should be followed. But we, who represent the public, have certain obligations to the public. While I think we can establish a convention that questions or motions for adjournment should not be published, we have a duty to the public by whom we are elected here. I still think it is the duty of elected Members to intimate to the public that we intend to take such action, so that the public may know that we are zealous watch-dogs of their interests.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair does not think the Honourable Member will find support for his contention from any Parliament anywhere in the world. (Applause.)

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I should like to draw your attention to one difficulty that we on this side feel. If we have no information about these short notice questions, either from the office or from the newspapers, Members may not be present at the time of questions if they are interested in these questions. So if you debar the Press from publishing these questions, at least notice of these short notice questions should be sent to us a day before they are put, so that we may come in time and ask supplementary questions.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Mr. B. Das.

Mr. B. Das: (a) Is it a fact that Government have decided to give up commission on money orders sent to the Viceroy's Earthquake Relief Fund?

(b) If the reply to part (a) be in the affirmative, are Government prepared to consider the advisability of extending the same concession to Babu Rajendra Prasad's Fund and to such other funds as require similar encouragement?

The Honourable Sir Frank Noyce: (a) Yes.

(b) As will have been seen from the Press Communiqué issued on February 12th, Government have decided that the concession should be extended to the two other most important Relief Funds, Babu Rajendra Prasad's Fund and the Mayor of Calcutta's Fund, both of which are being administered in close co-operation with the Government of Bihar and Orissa.

Mr. Gaya Prasad Singh: Sir, I thank the Honourable Member for this concession.

THE INDIAN STATES (PROTECTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Harry Haig (Home Member): Sir, I beg to present the Report of the Select Committee on the Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations.

Mr. President (The Honourable Sir Shanmukham Chetty): In connection with the reports of Select Committee, the Chair would like to make one observation. Honourable Members, who are members of a Select Committee, sometimes authorise another member of the Select Committee to sign on their behalf. This creates rather serious complications and difficulties at times. If, for instance, the Honourable Member, to whom the authority has been given, himself writes a minute of dissent, then the question arises whether the other Honourable Member who has authorised this particular Member has also conveyed an authority to sign on his behalf the minute of dissent also. To avoid such difficulties what the Chair proposes to do in future is this. Any Honourable Member of a Select Committee, who is not able to sign the report himself—

must, if he desires so to sign, authorise either the Secretary of the Legislative Assembly Department or the Chairman of the Select Committee,—and authorise only one of these persons,—to sign the report. And if it is further the intention of a member of the Select Committee that his signature should be appended to any minute of dissent, he must also specifically mention in that letter of authority as to which minute of dissent he wishes to sign. The Chair hopes Honourable Members will observe this practice in future.

RESOLUTION *RE* EXCISE AND IMPORT DUTIES ON KEROSENE AND OTHER MINERAL OILS.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume discussion on the following Resolution moved by Mr. S. C. Mitra:

“That this Assembly recommends to the Governor General in Council that steps be immediately taken to equalise the rate of excise duty and the import duty on kerosene oil and also on other allied mineral oils on which the rates of excise and the import duties are different.”

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the Resolution. It recommends to Government to equalise the rate of excise duty and the import duty on kerosene oil. Sir, kerosene oil is an Indian produce. It is obtained principally from the wells of Burma, and there are also other wells in Assam and in the Punjab. It may appear strange that an Indian Member, eager for the prosperity of the industry of his own country, should ask for a higher duty to be levied from that industry. Nobody should be under the misapprehension that the Resolution is moved, because the petroleum industry is controlled by British financiers. The cause is that this industry is not going on right lines. The oil combine is a great profiteering body, and it has been consistently doing everything in its power to stifle competition from outside and thus to occupy the position of a monopolist; and, as monopolists, they have been taking every advantage of making huge profits and distributing huge dividends to their shareholders. In this respect they are enhancing the price of petroleum that is used by poor persons for their meagre lighting, and I may say that this is an unconscionable bargain. The industry, properly conducted, will be not only to the advantage of the shareholders of the Company, but also of the people of India who are the consumers of the product of the oil wells.

The difference between the import duty and the excise duty is a sort of protection given to the indigenous Indian companies. But a company deserves protection if it is either a losing concern or if it has to meet heavy competition from outside. But, in the case of the petroleum industry, it is making big profits and there is no serious competition from outside; and, therefore, this protection is not needed. Then, another question arises, whether the protection that is granted is deserved or not. I am very sorry to say that it is not deserved. We see from the figures that are available to us in the Tariff Board's Report—the figures are up to 1927 and recent figures are not available to us—in those years the dividends paid by this industry, the Burma oil combine, have always been above 10 per cent—sometimes 15, sometimes 30 per cent., 27 per cent., 32½ per cent., 30 per cent., and in one year it was 50 per cent.: it has been some-

[Mr. B. V. Jadhav.]

times 30 and 35 per cent; in addition, they have been giving bonuses; in 1910 they gave away in bonuses Rs. 6,35,000; then, in the year 1918, they gave away in bonuses Rs. 9,52,500; in the year 1920, they gave Rs. 22,86,000, and, in 1926, they gave Rs. 17,17,000. So it will be seen that the Company had been doing everything to earn as heavy profit as possible, fairly or unfairly, and giving large bonuses to their shareholders. Therefore, the protection that is given in the shape of a lower excise duty is neither deserved nor necessary, and, therefore, it is urged by Mr. Mitra that it should be equalised and no undue favour should be shown to this Company. As I have observed, this Company is in the position of a monopolist, and, when there is competition from outside, they do everything in their power, first of all to break down that opposition by lowering the rates; but, as soon as the supply of a rival company runs short, that very moment they raise their prices. Many of us have experienced this ourselves, when the prices of petrol go up and down. There is a rival company importing petrol, and whenever their supply in a particular place is sufficient, the price of petrol is at once lowered; but as soon as the supply runs short, the prices are raised and the benefit of lower price is obtained by people in places only where a rival company's supply is available. In other places, the rates of petrol are very very high—excessively high. So this Company is making every effort to fill its pockets at the expense of the poor consumer and, therefore, I do not think it deserves any sympathy from this House. Had the Company been conducting their affairs in the interests of the country, I do not think anybody would have come forward and tabled such a Resolution.

The doctrine of the excise duty was promulgated in order to preserve the principle of free trade in respect of the cotton industry. An import duty was levied upon cloth woven outside India and, in order to equalise the duty, an excise duty on cotton goods manufactured in India was levied. There was a hue and cry against this levy. India as a whole is at heart a protectionist country and did not like this excise duty. That excise was recently removed. But, in the case of the petroleum industry, a lower excise is levied. But as the petroleum companies are profiteering and looting the poor persons who are using their oil, I do not think they deserve any compassion or sympathy from this side of the House and hence this Resolution is moved. I know it might be argued that the oil wells in Assam and Attock are new concerns and they are not making as much profit as the other companies in Burma do. That is a fact. If the companies in Assam and in Attock are severely handicapped by the levy of a higher excise duty, then it will be proper for the Government of India to give them some monetary help, or subvention, or subsidy. I would not urge anything against that; and as the Government will be making something like a crore of rupees, if the excise duty is made equal to the import duty, then Government will be in a position to give a subsidy to the tottering industry in Attock or in Assam; and I think new oil wells are going to be sunk in Kathiawar or somewhere thereabouts in the Bombay Presidency and they too will deserve some help. But the principle of this Resolution is to bring to the notice of the House and the Government the profiteering that is carried on by the Burmese companies and, therefore, it is necessary in the interests of the ryots to put that down. Of course, by the raising of the excise duty, the prices in the market will not be lowered, but I think fair competition between outside oil and the

indigenous oil will be possible and, on account of that healthy competition, the prices of oil are likely to be lowered. At present the Burma Oil Companies are enjoying a monopoly and they are making excessive profits. So the intention of the Resolution is to divert those profits from the pockets of the shareholders to the treasury of the Government of India which is in need of greater money. Sir, I whole-heartedly support this Resolution.

Mr. F. W. Hockenhuil (Assam: European): Sir, the Honourable the Mover of this Resolution, in the course of his address, has singled out the Burma Oil Company in particular to give us a very comprehensive review of its operations. I think it should be made clear at once that it is on the basis of the prosperity of this one particular Company that the whole of this Resolution is based. His speech was a very convincing one, and I think that no doubt is left in the mind of any one of us that this is a very prosperous concern. Large dividends have been paid in the past; bonus shares have been liberally issued and the reserves have been invested with prudence and foresight, and I think we must admit that while there has been a good deal of fortune attending this company, there has been no little enterprise. The Honourable Member told us many things about the Company, but one thing he did not tell us, and that was what the Company now in present conditions is earning on its Indian business. I will repair the omission. In the dividend which was recently declared, only $7\frac{1}{2}$ per cent was earned on the Indian business as it affects the Burma Oil Company here; the rest was derived from investments in other concerns. Now, here we have the one Company, which is the criterion of prosperity, engaged perhaps in one of the most speculative businesses in the world, paying a dividend of $7\frac{1}{2}$ per cent. If the case for equalisation of duty and excise be based on this prosperity, and it is proposed to apply it only to B. O. C. products on the grounds of being able to derive some Government revenue, then I think there is something to be said for it, although why there should be additional legislation to deal with a successful enterprise when there is an income-tax department, is more than I can say. My view is that it is the past prosperity and the accumulated reserves of this Company which are the target of the present movement. But, Sir, the Burma Oil Company is by no means typical of the indigenous oil industry in India. There are other Companies, eight or nine of them poor companies, struggling against great diversity. The picture that was left in our minds by the Honourable the Mover bears no relation to the whole of the indigenous oil industry in this country.

Now, Sir, I hold no brief for oil, neither have I any connection with it; but coming from Assam, that cinderella of the Provinces, whose assets are few, whose finances are deplorable, and whose needs are so great, the possession of an oil field makes the present proposals before us a matter of very great concern. In the midst of an unparalleled slump in agricultural prices,—and I would remind Honourable Members that the Province of Assam is almost wholly an agricultural Province,—the one bright spot is the indigenous oil industry. This industry is no new concern. It commenced operations some 35 years ago. Its beginnings were uneventful; its development was slow; it started on modest lines. After five years, its contribution to the provincial revenues was barely Rs. 10,000. I would explain here that Royalty is a small levy on actual oil won from the well, is a provincial contribution, and affords a convenient figure for comparison. After 25 years, this Royalty had expanded to a sum of about Rs. 50,000. From that time onwards, there was considerable development, and in 1923

[Mr. F. W. Hockenull.]

the contribution in the form of Royalty amounted to 4½ lakhs, and it is expected that in the current year that sum will be raised further to about six lakhs of rupees. This has its significance when I tell the House that that represents something like three per cent. of the provincial income. It can only be expected that this estimate is contingent on the field for the disposal of its products being left open; in other words, provided that Assam oil is not shut out of its present markets by foreign oil. Let us consider for a moment what the shareholders have derived from this development. During the whole of the 35 years of its operations, the average dividend paid has been 1.94 per cent. which is something under two per cent. per annum, and, during the last 12 years, it has disbursed nothing at all. If, in the present circumstances, this is all that the Company can do, how can we expect it to bear further burdens. My view, Sir, is that it will close down. As this is one of the only two companies operating in India proper, I am of the opinion that this would be a calamity, both provincial and national. Now, it will be contended that these companies will not close down, but that the indigenous oil companies will cease production only to the extent of the competition of the foreign importer. Sir, in the case of the Assam Oil Company, this is a fallacy for the reason that even at the present time the handicap of high freight, due to its eccentric geographical position absorbs the existing preference. Digboi, the centre of the oil fields, is situated on the frontier. A few miles in either direction will land us in Tibet, in China or in Burma. Its output exceeds very greatly the amount the Assam Province can absorb. It sells most of its products to other Provinces. Rail transport is its only outlet, and rail transport is expensive. There is actually no metalled road leading from the oil field, and as all, who have been to Assam, know that Assam roads would not stand up to heavy transport for a week in the rainy season.

Now, it will be a matter of interests to know that oil can be laid down in Calcutta transported by sea from even as far off as Russia, at a much cheaper cost than Digboi Oil can be transported by rail. If we assume for a moment that Assam products went out of the market and that foreign oils were distributed in the present sales markets from Calcutta the Railways would lose about 18 lakhs of rupees per annum by virtue of the fact that Calcutta is more centrally situated for distribution. In 1932, the Assam Oil Company contributed to freights to the tune of Rs. 51 lakhs. This was distributed amongst the railway and steamer companies. As a comparative figure, it may be of interest that the Assam Bengal Railway earned in that year Rs. 89½ lakhs in freights, and when we add to this contribution the amount of Rs. 30 lakhs spent on wages to Indians and Rs. 28 lakhs on Indian stores, I think Honourable Members will admit that this Company forms an appreciable interest in the economic life of that part of my Province.

I now come to the Central contributions. In 1932, the Government of India benefited to the extent of Rs. 127 lakhs. This, of course, is from all sources,—excise duty on oil and petrol, customs duties and income-tax. These are enormous figures, and they assume their real importance when it is remembered that in the current year the total estimated income for this Province is only about 200 lakhs, and resulted in Rs. 40 lakhs deficit on the year's working. These excise duties are held by all of us in some measure to belong to the Province. We believe that the principle which applies to jute in Bengal should be applied to oil from Assam. The

Government of India will not admit this principle, and we bow reluctantly to their decision. Our financial position is so acute that it urgently requires assistance and we believe that the Government of India are disposed to help us and to deal with us in some other way as liberally as their own finances will admit. But we feel that any falling off in the Assam oil contributions may prejudice the fullest and the most equitable settlement, and it was with this in mind that we view with the gravest apprehension any alteration in the protection at present afforded to our indigenous industry. Sir, I oppose the Resolution.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): I may start by congratulating the Honourable Member who has just preceded me on his maiden speech which is a clear statement of the position of some of the smaller companies that have established themselves in regard to this trade. I at once admit that the motives of the Honourable the Mover of this Resolution are all laudable and that he wants, if possible, to protect the consumer and also to get revenue to the Government. But, I question whether the object that he has in view will be carried out by the adoption of this Resolution. The oil trade is a very peculiar and rather intricate trade, and I am sure the House will forgive me if I give my layman's experience of how this business is carried on.

My Honourable friend, Mr. Mitra, who has moved this Resolution, suggests that if the import duties and the excise duties are equalised, there will be no suffering involved to the consumer, but there will be a certain amount of profit to the State. I do not think he ventures to put forward the idea that the import duty should be lessened, because, at this time of day, with the budgetary problem that faces the Finance Member, I do not think such a suggestion is a practical one. It, therefore, comes to this that what my Honourable friend and those who supported him intend to do is that the excise duty should be raised, so that there will be some amount of profit to the State. My Honourable friend, Mr. Jadhav, in the course of his speech, suggested that at present the consumer was being penalised by the existence of this monopoly and that he would get what he termed fair treatment and help the competition if the two rates were equalised. I have got a fairly good idea of the conditions of the trade in Southern India, and I do not think it differs very much from the trade in other parts of the country. It is true that there are two indigenous oil companies, one in Assam and the other at Attock, and probably the conditions in Assam and conditions in the North-West Frontier and portions of the Punjab are slightly different. But, I think that, all over the rest of India, the two Companies that really come into competition are the Burma Oil Company, with its distributing agency, the Burma Shell Distributing Company, and the Standard Oil Company. If Honourable Members will realise the way in which business is carried on by these two companies, they will easily see that the result of the adoption of this Resolution will be to throw a further burden on the consumer, and that will be the main theme of my argument today in opposing this Resolution.

As I understand the business in India, the quantity that is consumed by Indians all over India is distributed mainly between the Burma Shell Distributing Company on the one hand, and the Standard Oil Company on the other. I do not think the proprietors of either of these concerns or those who are interested in it will admit the fact for a moment, but it is nevertheless a fact that there is no competition between these two

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companies at all. If there is ever a rate war, as undoubtedly there is at long intervals the honest consumer comes by his own, but that is a very rare event, and normally speaking, these two companies have a very good notion of what they should do, and at what rates they should sell. Not only that, Mr. President, the House would be interested to know that the quantity that can be sold by each of these two companies is also come to by arrangement, and there is no competition, either healthy or fair. The area is distributed between them, the agencies are appointed by these two companies, and, if I know anything at all of the way in which the agencies are asked to show the returns of their sales, I know this for a fact that there is a general agreement between the Burma Shell Distributing Company and the Standard Oil Company, as to the quantity of oil that should be sold in each area. Under these circumstances, I ask the House to realise what will be the effect of the adoption of this Resolution. The immediate effect, if the Finance Member is disposed to give effect to it in his budget, will be that the Burma Oil Company—I am leaving out of account for the moment the minor companies—will increase their price, because they will have to bear the additional duty of one anna. The result will be that they will come to an agreement with the Standard Oil Company which will also increase the rate, and between these two companies the consumer will be much more hardly hit than he is at present. If we remember that this House has been consistently against any duty on kerosene as it affects the poor consumer, and if we realise that time after time on this side of the House we have tried our best to see that there is no duty levied and that the duty is not increased, I ask myself how consistently with our past we can vote for this Resolution asking for an enhancement of one anna on the excise duty with the firm conviction that the result of that will be a passing on to the consumer of a further burden of one anna per gallon. Let me take another aspect of the case. We are talking of the poor consumer, and, as everybody knows, the poor consumer consumes not the white oil, but the red oil which is a peculiar production of the Burma Oil Company. It is not imported into this country. If I know anything at all of the Standard Oil Company and its working, the Standard Oil Company imports white oil, the last class of which is called the Elephant Brand. So that, in effect, the Burma Oil Company or its distributing agency has got the monopoly of the red oil, and it is the red oil that is consumed by the villager. Whatever competition there may be in white oil, it will not prevent the Burma Oil from passing on the burden to the consumer again, that is to say, the poorest class of consumers of kerosene oil,—that class which this House on a previous occasion, when it was discussing the Bill regarding diesel oil, was very anxious to see that it was not hit hard. Therefore, if you take either the red oil, which is the main production of the Burma Oil Company and which is consumed by the poorest consumer, or if you take the whole list of oils that are produced by this Company and by rival companies, I say, the effect of the adoption of this Resolution, which can only be in the direction of increasing the excise duty and not decreasing the import duty, will be to pass a further burden on to the consumer which is certainly not what this House requires.

I do not know what the intention of the Honourable the Finance Member is, and I do not know whether my friend, Mr. Mitra, is serious in suggesting that by this Resolution he wants to come to the help of

the Finance Member to balance his Budget. I, sitting on the Opposition side, am very chary of offering any suggestions at all to the Honourable the Finance Member to balance his Budget or to increase his receipts. I think we should wait and see, in the hope, perhaps the vain hope, that on the 27th February, when the Honourable the Finance Member introduces his Budget, that the burdens are not more heavy than they are at present, but I refuse to be a party to a Resolution which will mean that the burdens that now exist on the oil consumer will be increased by the adoption of this Resolution. Therefore, having shown that the consumer is the man who is likely, in fact, who is bound to suffer by the adoption of this Resolution, let me turn to another aspect of the case.

Now, my Honourable friend, who has just preceded me, has spoken of the case for the small indigenous companies that have been started at Attock and in Assam. I venture to express the hope that the sympathy of the House will be with these small companies. They are able to get on, because they have come to some sort of agreement with the Burma Oil Company. They are able to get on because the Burma Oil Company has come to their relief to a certain extent, at least the Burma Shell distributing agencies in some cases, if I know my facts. Without that help, these oil companies would not be getting on well. There is no guarantee that the outside companies like the Standard Oil Company or the Texas Oil Company or the Russian National Petroleum Oil Company will be as soft towards these indigenous companies as the Burma Oil Company has been. If that fact is also taken into consideration, it will be realised that the effect of the adoption of these measures will be to further cripple the indigenous industries of this country. Take, again, another fact which loomed large in the discussions on this Resolution time after time. It was said that Burma Oil Company exists in Burma and that these two companies are in India. What have we got to do with the Burma Oil Company? Now, Sir, I thoroughly deprecate that idea, at least so long as India and Burma form parts of the same unitary Government. Yesterday, my Honourable friend from Burma suggested that the duties that have been proposed under the Tariff Bill should not affect Burma and that Burma should be excluded from it. If we start Province by Province, and for this purpose Burma should be treated only as a Province, where will we be landing ourselves? We in Madras can turn round and say "we are not affected by the steel industry and, therefore, exclude the Province of Madras from the operation of that duty". Take, again, the case of tea cups and porcelain ware. We can very well say: "these industries do not affect Madras and, therefore, exclude that Province". If these inter-provincial jealousies come in, then the tariff will be broken to pieces and there can be no question of applying the tariff properly at all. For shipping, customs and tariff purposes, India and Burma are one for the time being. What may happen when Federation comes is a different question. My friends from Burma seem to be under the impression that if Burma is separated, somehow free trade between India and Burma will continue and that they will go on as they have been going on now. Let me say, whatever powerful influence they may secure in Great Britain for that purpose, that that is not going to be done. Burma will be completely separated from India and must be completely separated as much for trade and

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 commerce as for any other. I do not suggest that we will be unsympathetic towards Burma, but whatever can be done must be done by a Federal self-governing India of its own choice. In the same manner, as we have come to an Indo-Japanese arrangement, let us hope that we will arrive at an Indo-Burmese arrangement, but if there is any idea that like slaves we will be handed over from one master to another, and that, while Burma is being separated, some powerful influence outside India and outside Burma, sitting in Whitehall, will be able to protect the Burmese, whether they are Indian merchants, Burmese merchants or European merchants, and keep up the trade without any concern for the interests or the wishes of India, let me tell the Burmese, and I include among them both European merchants and Burmese merchants, my Indian friends sitting there and Mr. Harper who represents the European commercial community, that they are living in a fool's paradise. That cannot be so, and whatever clauses you may put in in the Constitution Act, if you are able to do it, then I say for certain that those clauses will not be worth a day's purchase or a month's purchase, once the Federation comes into existence. Therefore, my position is this, that so long as India and Burma form parts of one unitary Government, we have to get along together. Yesterday my friend from Burma complained that the tariff affected him in spite of the fact that he had got nothing to do with it. Here is an obverse thing. We are supporting an industry in Burma, the Burma Oil Company, because Burma is part of India and for no other reason. Therefore, it seems to me that you cannot have it all your own way. This is a question of pros and cons on either side. Disadvantages there will be, but advantages there are and it is a curious irony of fate that within 24 hours my friend is able to realise the advantage of the policy of being connected with India, whereas yesterday he was fulminating against the disadvantage of Burmese connection with India. On all these grounds, I think that this Resolution should not be adopted as the effect of this Resolution will be to increase the burden on the consumer. I do not want to go into the question of the profits that have been derived by the Burma Oil Company or other companies. I think that is utterly irrelevant to this issue. My friend, Mr. Jadhav, made the curious suggestion that the Attock Company and the Assam Company may be given subventions. I do not at all see how it can be done. If you are going to give a subvention to an industry, it is to the industry as such, no matter by whom it is run and no matter where it is run in the Indian Empire. You cannot give subvention to one industry to compete against a better established industry in another part of the Empire. You can give a subvention to all the industries that have been established in this country, and, therefore, if any question of subvention arises, it must be given as much to the Burma Oil Company as to the Attock Oil Company or the Assam Oil Company. Therefore, there can be no question of subvention and differential subvention at that in regard to these matters. It seems to me, therefore, that considering all these facts, there is no alternative to this House but to reject this Resolution, and I think, before that stage comes, I would earnestly ask my friend, Mr. Mitra, not to press his Resolution to a division.

U Ba Maung (Burma Non-European): Sir, I rise to say a few words with regard to the Resolution moved by my friend, Mr. S. C. Mitra. First and foremost, I must congratulate him for having

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taken so much pains in getting the statistics concerning the oil producing companies and on his thorough study of the subject. I really sympathise with him, but in my opinion the Resolution, as it is worded, does not help the interests or the welfare of the consumers in any way. As I understand it, this Resolution, if carried, will put a large majority of labourers, both Indians and Burmans, out of employment, and will result in the reduction of wages in the oil fields of Burma.

The next point that I wish to bring to the notice of the Mover is that, in Burma, besides these European limited oil companies, there are minor concerns, mostly in the hands of individual oil-well owners. These oil-well owners are chiefly Burmans and Indians. They will also be affected and hard hit if the Resolution is carried, because these owners have to sell their petroleum, that is, the raw product, to the limited companies who in turn produce kerosene oil, petrol, candles, and so on. I should like to draw the attention of the House with regard to the generosity of the Burma Oil Company, which has been mainly attacked by the Honourable the Mover, although such generosity has nothing to do with the merits of one's attitude either for or against the Resolution. Sir, very recently I came across a statement in the papers here that the Burma Oil Company has contributed Rs. 1½ lakhs to the Viceroy's Earthquake Relief Fund. Not only that, about three years ago, the same Company also contributed about a lakh of rupees to the Burma Earthquake Relief Fund, and, about seven years ago, a sum of Rs. 10 lakhs was subscribed by the Burma Oil Company to the Rangoon University for establishing a Mechanical Engineering College which has done a great deal of service both to Indian and Burman students in the University. (Hear, hear.) There are also numerous donations made by the same company towards our Buddhist *pagodas*. (Applause.) Well, strictly speaking, I will not dwell on this at length, because it does not bear strictly on the question whether one should be for or against the Resolution. The reason why I have said all this on the generosity of the Burma Oil Company is that we Burmese people as a race are philanthropic and generous by constitution.

Lastly, Sir, instead of receiving encouragement as producers of indigenous oil, if the little advantage due to the fact of there being some difference between the import duty and excise duty is now sought to be removed from their way, this would ultimately kill them. Of course I have heard patiently what the previous speaker has said and I am in entire agreement with him. In my humble opinion, as long as Burma forms part of British India, it is but right that the indigenous produce of the country should derive some sort of preferential treatment from the Government of India. Well, Sir, the position will be different when Burma is separated, and the whole question could be then tackled on its own merits. Therefore, I would request the Honourable the Mover to withdraw his Resolution and bring it again to the notice of the Trade Convention when Parliament announces the separation of Burma.

The Honourable Sir George Schuster (Finance Member): Sir, at the outset, I would like to make clear what Government's general attitude on Resolutions of this kind must be. I am sure, all Honourable Members will appreciate that if a Resolution of this kind, which really intimately concerns matters which would normally be dealt with in the Budget proposals, is brought before the House, only a very short period before the Budget proposals are put before it, Government might be put into an extremely awkward position. It would in fact be very easy for any Honourable Member

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opposite to table a Resolution of this kind which would seek to force Government to disclose its hand as to some particular proposal in the Budget, and we feel we must take a very definite stand on this matter and make it clear that we cannot allow our hand to be forced in this way. I am now suggesting for a moment that the Honourable Member, who has moved this Resolution, has had any deliberate purpose of embarrassing us in such a manner, but I am sure he will appreciate that if Government were to allow themselves to be drawn into a discussion of this kind on the eve of the Budget, and indicate any attitude at all, short of disclosing what its actual proposals in the Budget were going to be, it might mislead many interests and do a great deal of harm. Therefore, I want to make it clear that whatever I have to say today on this matter, we have decided, as a matter of general policy, that we cannot show our hand—supposing that we have a hand to show about it. Now that being our general attitude, we had to consider how we should apply it in practice, and we came to the conclusion that the right line for a Government speaker to take on this Resolution would be to intervene to correct any misstatements, or to make clear what is the real situation, so that the House might not be in any way misled—supposing Government had a means of correcting that—and at the same time to make it clear that as the Resolution is inconsistent with the *status quo*, we must oppose it. That will be our attitude.

Now, there are certain things I want to say which I can say without, as I have said, disclosing Government's hand in this matter. In the first place, I want to put before the House a point which has already really been made, which is this. I do not see how the House can vote on a Resolution of this kind without knowing by what means the equalisation is to be effected. It would really be giving Government a blank cheque. We might equalise the duties by putting the excise duty up to the level of the import duty, we might equalise them by putting the import duty down, we might even equalise them by effecting a big increase on both sides and putting both the import and the excise duties up from three annas nine pies, say, to seven annas or ten annas. Sir, I really submit that it is not fair to ask the Legislature to vote on a Resolution of this kind. Now, the vagueness of the possible interpretations has, of course, helped my Honourable friend, the Mover, in making his speech. He has been able to represent his proposal as one which, on the one hand, will increase our revenues, which, on the other hand, can be adopted to benefit the consumer, and which will have that great benefit as certain Honourable Members seem to regard it of hitting the oil companies. Now, I do want to put it to the House that there is only one object and one object which would certainly be served by this Resolution, however it is interpreted, and that is that it would hit the Indian oil companies. That, if my Honourable friend, Dr Ziauddin Ahmad, will allow me to use a mathematical term, is the "lowest common denominator" of all the speeches of the Opposition. Now, that is an object with which, for its own sake, if this Resolution is supported merely for the sake of that object, we could not possibly associate ourselves. That is really a question of mere injustice. I think this matter, if it is to be dealt with at all, must be dealt with on a higher plane. The policy which I should think every Member of this House would support would be a policy which combined the following objects: the maintenance of the Government's revenue, the securing of the lowest possible prices to the consumer, and the securing of conditions which will not damage the Indian oil industry. Now, Sir, this Resolution makes absolutely no contribution to the solution of the problem as to how those three objects could

be combined. I have said already that there are certain lines which we could not support. There are certain other points where, I think, our attitude will be quite definite. We regard this as essentially an Indian industry, an industry which employs Indian labour on a very large scale and which spends very large amounts of money for the purchase every year of materials in India, and which contributes very largely by way of royalties, income-tax and otherwise to the revenues, both of the Government of India and of the Provincial Governments. It is essentially an Indian industry and the arguments which have been used by some of the speakers that a large proportion of the shareholders in these companies are not Indians are arguments which we regard as entirely irrelevant. I would submit to those Honourable Members who use those arguments that they will be doing their country great harm if they allow essentially Indian industries to be damaged, because certain outside shareholders are interested in those companies.

Then, Sir, there is another argument which, I think, we should in all circumstances oppose and that is that the mere fact that a particular company engaged in this industry happens to have made very large profits affords a reason for attacking the whole of the industry. That point has already been dealt with very well by several speakers who have just spoken. But I do want to make this point, that the mere fact that a particular concern is able to operate at a satisfactory profit to itself is not a reason for attacking that concern. One can go about and find plenty of people who will work very inefficiently and at a loss, but to bring them in would not benefit the country. The country is definitely benefited by concerns which operate with enterprise and with sufficient efficiency to earn decent profits. We do not want inefficient people managing the industries of this country and running them at a loss. You can go out on the streets and find hundreds of people ready to manage the industries on that basis, but those are not the people that you want. I would put this case to the House: *prima facie* the people who really benefit a country are those who can develop industries and earn profits out of them. (Applause.)

Sir, having said that, I wish also to say something on the other side. One point which I particularly want to make is that whatever may be the right policy in this matter, it has not yet, at any rate, been adopted as a policy of the Government of India that the oil producing industry in this country should receive any measure of protection. We cannot allow the impression to be gained that the fact that there is a difference between the excise and the import duties represents a decision by the Government of India that the indigenous oil industry has made out a case for protection. It may possibly make out such a case, but at present no case of that kind has been made out, and the existence of that difference must not be taken to imply that Government have recognised that there is a case for protection. Another point that I wish to make to supplement what I said about the earning of profits is this, that, I think, the oil companies must recognise that they would be expected by the public and would be expected by every Member of this House to operate to use their efficiency not merely to make profits for themselves, but to secure fair prices and the lowest possible prices to the consumers. (Applause.) That, Sir, is a point which I feel sure they will appreciate and I feel sure that those who have spoken for the oil companies' interests in the House will recognise that there is among the general body of the public an uncomparable feeling that they are in the hands of very powerful combines. They do not

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know what are the agreements which exist between those combines or how they can be operated to maintain prices above what is a reasonable level. If the oil companies desire to receive fair treatment, then I would put it to them in their own interests that they should do as much as possible to enable the public to understand what are the facts of the position and if, in order to maintain their position, they have to demand certain prices, then they should let the public know why it is that those prices must be maintained and satisfy the public that they will not enter into agreements which will enable them to maintain prices at something which is above a fair level. (Applause.) These are, Sir, our views on the subject, and, as I have already said several times, we cannot, even if we had any definite policy, say anything which would throw a light upon that, but I would on general grounds put it to my Honourable friend, who has moved this Resolution, that, in view of its vagueness, it is an unfair question to put to the House, and that he will be well advised to withdraw it.

(Dr. Ziauddin Ahmad rose to speak.)

Mr. President (The Honourable Sir Shaninukham Chetty): The Chair thought that the debate was closed, and therefore, the Finance Member was called upon to reply. Mr. Mitra must reply now.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, at the very outset, I would like to make it clear that I have not the least intention to anticipate anything in the Budget. This is not the first time that we have raised this question. If the Honourable the Finance Member will go through the debates on the Finance Bills for the last few years, he will find how many times we have raised this question. As I said in the first debate, it is not I who have raised this question first. The Honourable the Finance Member has not a word to say about Sir George Rainy's arguments on this whole issue and he met all the questions, raised by some of the speakers today, almost by anticipation. The Honourable the Finance Member has today played the role of a priest and has delivered a sermon. He tells me that it is an Indian industry and charged me as if my purpose here was only to hit the manufacturers of an indigenous industry. People who know me will judge for themselves with what spirit I have brought this Resolution. During the course of the Budget discussion, I shall try to show how the pious well-wisher of the country has acted during his régime. Whether it is fair or not for this House to vote on this question, the House will judge for itself. Twenty-three Honourable Members of this House, belonging to different Parties, gave notice of this Resolution; that shows the depth of public opinion on this question. I agree to a great extent with my friend, Diwan Bahadur Ramaswami Mudaliar. He has shown it clearly that there are two big combines who settle the price for kerosene in India and my friend is apprehensive that we are at the mercy of these pools. If the excise duty is raised, then perhaps they may raise the price of kerosene and penalise the consumers. Indeed, that is a great risk and I admit it. But I fail to understand why this Government, which seem to be all-powerful in all directions, becomes so weak-kneed in these matters when British industries are concerned. They know what monopolistic producers can do. They can raise their prices and exploit the consumers in India. Why are they so helpless on those occasions? Why the Government do not fix the price for these

articles? My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, has made my position easy. I will show by quoting facts and figures that these two combines, one a so-called "indigenous industry", in the words of the Honourable the Finance Member who seems to be so anxious to help an indigenous industry, I can show that 90 per cent. of the shares really belong to non-Indians. I have no grudge against non-Indians, let them prosper in every way, even here in India. I am not so mean like many other people as to be jealous if other people flourish. What I want is that, in the distressed condition of Indian economic life, if the poor consumers could be helped by lowering the prices in any way, then my suggestion should be accepted. I really had no mind to press this Resolution to a division. These arguments were pressed by Sir George Rainy who had the real interest of India at heart and who did not have mere lip sympathy like many other Honourable Members. My duty ceases after I have brought forward this Resolution to the notice of the Government. I am not here to suggest ways and means of balancing the Budget. It is the duty of the Honourable the Finance Member to do so. When I tabled this Resolution, I thought it would be appreciated in the spirit in which it was offered. I know that the Honourable the Finance Member is merely an agent and he has no free hand. He is dictated to by Whitehall and he shall have to carry out the instructions. In this Resolution, I appeal to the Government at Home, where we have the Secretary of State who is a responsible Minister, and I should inform him that India should be ruled mainly in the interest of the Indians. I know that the Secretary of State, who is responsible to his people, will look to their interest first, but, if it is not inconsistent with that position, he may also look to the interest of India.

The Honourable Sir George Schuster: Does the Honourable Member imply that I am not expressing the views of the Government of India on this matter?

Mr. S. C. Mitra: The Government of India here have absolutely no power to act with a free hand. This is evident from the fact that when the Honourable the Finance Member at the time when England went off the gold standard acted in the interest of India, he was immediately forced to swallow his own plans and he was forced to follow the dictates of Whitehall. Such things happened more than once and my complaint is that we are helpless in the matter. The Government of India act merely as a post office and we have to appeal to the British Government at Home to rule India in the interest of India alone, and not in the interest of England. During my speech, when moving the Resolution, I pointed out that we had not exact figures for the Anglo-Persian Oil Company and the Honourable Member, Mr. Hockenhull, who made his maiden speech today, did not give much information. I speak subject to correction, but my information is that, in the Anglo-Persian Oil Company, the British Government hold 56 per cent. of the shares. We are in a difficult position to find out the truth, because we have not been supplied with recent facts and figures. The Honourable Mr. Hockenhull referred to the Assam Oil Company and I should like to say a few words about it. On page 5 of the Tariff Board Report, I find:

"The Burma Oil Company has advanced the Assam Oil Company £900,000 and holds 90 per cent. of the share capital of that Company."

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I, therefore, submit that the Burma Oil Company is interested in the Assam Oil Company and, therefore, the interests of the two are identical.

Mr. F. W. Hockenhuil: May I point out that if it has not been for this advance made, the company would entirely have gone out of existence.

Mr. S. C. Mitra: I should like to quote more extensively from the Tariff Board Report to prove my contention that the two companies are identical in interest. On page 35, it is said:

' Since the Burmah Oil Company took over the management of this Company in 1921, expenditure on development has been on an ambitious scale and at present far beyond the means of a Company capitalized on so modest a scale. If the Assam Oil Company stood alone we have little doubt that even if no price war had arisen, it would not have been able to carry on operations on the present scale without extensive re-organisation. The connection between the Assam Oil Company and the Burmah Oil Company is very close. In January, 1921, control of the Assam Oil Company passed to the Burmah Oil Company, shareholders being offered by the latter company £2 cash for each Assam share or one Burmah Oil Company's share for every 4½ Assam shares. The Burmah Oil Company at present hold 90 per cent. of the Assam Oil Company's issued share capital (£400,000); "

From this it is clear that the same shareholders are benefited in both the companies. My Honourable friend suggested that they declared a dividend of 7½ per cent. in the Burma Oil Company from their Indian interest. But he did not disclose the total dividend declared for the last two or three years by the Burma Oil Company. There has been a great deal of agitation against these combines, because the Burma Oil Company combined with the Royal Dutch Shell group and, subsequently, with the Standard Oil Company of America, and they all fixed their price without any reference to the cost of production. The conclusions of the Tariff Board are irresistible. If I had time, I would have read more extracts to show that the price is settled without any reference to the cost of production, and as was pointed out by my Honourable friend, Mr. Mudaliar, even in the case of inferior oil which is consumed by the poorer public; even in that case, India loses more than five crores a year, and it is not for the special advantage of Indians that the price of inferior kerosene has been lowered, but it is particularly and wholly in the interest of these combines, to exclude all competition. My Honourable friend, the Diwan Bahadur, also argued the question about separation of Burma. I should like to make the point quite clear that if Burma wants to separate from India, it is her look-out and we have to say nothing against that. But we shall never agree and Indian public opinion will not agree to accept the position that Burma should be separated from India and, at the same time, her economic interest should be intact and that she should not suffer economically. I fear that some assurance has been given to Burma that she will be permitted to continue her economic relation with India for at least the next ten years and that she will reap all the advantages of Indian connection and that all the demerits and difficulties and disadvantages would be borne by Indians. The European mercantile interest in Burma is working for separation on that impression. As I already said, we have no objection if Burma chooses to separate from India, but she should be disillusioned if she thinks that India will show any sympathy towards Burma after separation in the economic and commercial sphere which only mainly helps the European manufacturers.

In conclusion, I submit that my purpose has been served by moving this Resolution. I am the last person to hit any industry, whether Indian

or foreign. But if I think that the consumers are losing in any way, then I shall not hesitate to champion their cause in spite of opposition from any quarter. I think I shall get more opportunities in future to disprove the claim of the Finance Member that he is more anxious than the Opposition in this House in doing good to the country. From what the Honourable the Finance Member said it looks as if we are not discharging our duties properly, and that it is only the Members of the Executive Council like himself who are anxious to help the people of India. Sir, my purpose having been served, I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* LOAN FOR THE RECONSTRUCTION OF BIHAR AFTER THE EARTHQUAKE.

Mr. President (The Honourable Sir Shanmukham Chetty): The next Resolution stands in the name of Captain Sher Muhammad Khan Gakhar, but he has authorised Kumar Gupteshwar Prasad Singh to move it.

Kumar Gupteshwar Prasad Singh (*Gaya cum Monghyr*: Non-Muhammadan): Sir, with your permission, I beg to move the following Resolution:

"That this Assembly recommends to the Governor General in Council that he may be pleased to advance such loan without interest or at a very low rate of interest to the Government of Bihar and Orissa, as may be required to help the reconstruction of the economic structure of Bihar, devastated by the recent earthquake."

Not many words are needed to move a Resolution like this. The damage caused to my Province by the recent earthquake has been so vast and extensive that it is beyond the capacity and resources of a poor Province like mine to meet all the needs of the situation that has been created as a result of it. Not only has there been an appalling loss of life estimated at anything between over six thousand deaths according to the Local Government, and twenty thousand or so according to the non-officials, but also an alarming destruction of property and of the very sources of income on which several millions of our countrymen depended for their very subsistence. To quote the words of His Excellency the Governor of Bihar and Orissa:

"In the towns of North Bihar, there is probably not one masonry house which is altogether undamaged, while thousands of houses are completely destroyed with not a wall standing. In one congested bazar of Monghyr the ruin was so complete that for days it was not possible to see where the line of the street had been amid the acres of destroyed houses. Some thousands of lives have been lost and those thousands might well have been tens of thousands if the shock had occurred at night instead of at mid-day. The urban population affected is not less than half a million souls, some of the towns having a population of from 50 to 60 thousand, while altogether there were 12 towns with between 10,000 and 60,000 inhabitants which have been wrecked."

But it is not the towns in North Bihar alone that have been affected. Many towns in South Bihar also have suffered badly. For instance, several thousands of houses in Patna, including most of the Government buildings, have been damaged. The same is more or less true of Arrah, Gaya, and Bhagalpur, to mention only the important ones. Monghyr is, of course, practically totally destroyed. If the destruction has been great in the towns, the countryside has not escaped lightly. Although houses may not have collapsed to the same extent there, the loss has been equally

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great, if not indeed greater, in the rural areas. To quote His Excellency the Governor again:

"The disaster to the agriculturist takes a different form. Soldiers who have flown over Bihar liken it to a battlefield in the destruction of the land. Over a very large area the *rayats* have had their lands spoiled by fountains of water which poured out from fissures and gushers and spread over the fields' sand to a depth varying from a few inches to three feet or even more. The full extent of this damage to some of the most fertile territory in India will not be known for a long time; but in a part which has been visited by the Director of Agriculture and the Director of Industries, their estimate is that over an area of two thousand square miles near Muzaffarpur and Darbhanga, one half of the land has been affected in this way and in one-sixth the deposit of sand is deep. Air reconnaissance has shown that this damage is also found in the fields of North Bhagalpur and in the Purnea district and is not confined to the part already inspected."

One may well take it, therefore, that the area so affected is much larger than two thousand square miles and may indeed be as large as four to five thousand square miles.

But this is not all. The level of the country has been changed in many places, embanked roads have been reduced to the level of the surrounding country, old waterways are not functioning and streams have changed their course. North Bihar is still in a deltaic condition and even a slight change of levels must completely alter the drainage of the country, bringing in its train widespread floods during the rains which might take an even larger toll of loss of life and destruction of property than what this terrible cataclysm has done, appalling as this latter in all conscience is. If, therefore, the present plight of the people in the affected parts is extremely miserable, the future prospect before them is inconceivably dreadful.

The condition of the people, whether urban or rural, is miserable beyond words. They are homeless and penniless. They have not even good water to drink, the wells being all choked with sand. What is worse, they have lost the very source of their employment and their means of earning a livelihood. The agriculturists cannot till their lands, the trader cannot ply his trade, the labourers and other employees have been deprived of their employment in the sugar mills about ten of which have been put out of action. Relief is being given both by official and non-official agencies for which I on behalf of my people must express gratitude both to the Government and to the hundreds and thousands of private donors who have responded and are responding to the call of suffering humanity. But the position is too vast to be tackled with the amounts that have been received either in the Viceroy's Earthquake Relief Fund or the Bihar Central Relief Committee's Fund or in one or other of the various other funds started by different relief organisations. The area affected is so large and the problems that have arisen are so gigantic and varied that charitable donations are not likely to give substantial help, specially in the task of reconstruction. The House can form some idea of the extent of the disaster and the magnitude of the task of reconstruction that lies ahead when it is told, in the words of His Excellency the Governor of Bihar, that:

"The area of the greatest destruction described above is as large as the whole of Scotland and supports five times the population of Scotland and does not include those parts of Bihar lying south of the Ganges where the loss of life and damage to property was on a lesser scale."

The earthquake, according to Dr. Dunn of the Geological Survey of India, was one of the biggest and most extensive earthquakes in history. But the problems created by it appear to me to be the most gigantic that the people and the Government concerned were ever called upon to face as a result of such upheavals, not only because of the extensive area over which it had its effect felt, but also because of the vast population, not less than 15 millions, that has been affected. The question that has arisen is not merely the rebuilding of towns, however prosperous, but of reclaiming thousands of square miles of fertile lands under cultivation,—some of the most fertile in the world,—and restoring to several millions of men, in good cultivable condition, the lands which have been their only source of livelihood, but now, alas, converted into a lake or a sandy desert! What if the lands prove irreclaimable? What if the level of the country be found to be so changed as to make existence with safety on the old sites of thousands of villages impossible? Where is this vast population to migrate? How is it to earn a living and sustain life? Such and similar other problems are not quite unlikely to arise. How are they to be solved?

It is apparent that a very large sum of money is needed to solve the many problems that have arisen and are likely to arise. A sum of the equivalent of nearly 80 crores of rupees was needed to rebuild the devastated portions of Japan after the earthquake of 1923. It is difficult at present to estimate the amount that Bihar will need. But there can be absolutely no doubt that it will be tens of crores. It is clearly beyond the capacity of the Local Government to provide even a substantial portion of the amount required.

Sir, it is no secret that Bihar is probably the poorest of all Provinces. Even in normal times its revenue used to be too small to meet properly the ordinary normal charges. As a result of the earthquake, the income of the Bihar Government is bound to shrink a good deal. The fairest portion of Bihar, bringing probably the largest proportion of revenue, has been destroyed and only Heaven knows when the people will be able to recoup or whether they will be at all able ever to regain their former position. The Government will have to make large remissions under one or other heads of revenue. What is worse, with those depleted resources they will have not only to run the whole administration, but also to supply funds to the local self-governing bodies, the district boards and municipalities, which have also been severely hit, to carry on their most necessary work. It needs no argument, therefore, to establish the fact that the Local Government will not be able to spare even a farthing out of their own resources, at least for a considerable length of time, to devote to the work of reconstruction. Indeed, the probabilities are that even for carrying out their normal work they may require a subsidy from the Government of India. In these circumstances, Sir, the justification for my Resolution is apparent and I need add no further words or arguments to support it. I hope the House will accept this Resolution and by so doing will demonstrate its sympathy for the suffering millions of my helpless Province who need all the sympathy, support and help that their brethren here and outside and the Government can show or give. We in Bihar are extremely grateful to His Excellency the Viceroy for the great interest he has been taking in the alleviation of distress. We have no doubt, therefore, that His Excellency and the Government of which he is the head will be pleased to extend to us and to our Local Government

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their helping hand of which we, struggling for very existence, stand in dire need. With these words, Sir, I place before the House the Resolution that stands in my name for its sympathetic and favourable consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved :

"That this Assembly recommends to the Governor General in Council that he may be pleased to advance such loan without interest or at a very low rate of interest to the Government of Bihar and Orissa, as may be required to help the re-construction of the economic structure of Bihar, devastated by the recent earthquake."

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, I was very much pleased to find on my arrival here at the end of January last that the House had very sympathetically considered the question of the disastrous consequences of the severe earthquake in Bihar on the first day of its opening; and it gratified me to see that from all corners of the House sincere sympathy was expressed and genuine efforts to alleviate the suffering of our people were made by all the Members. Soon after my arrival, I found that the funds for immediate relief had been swelling every day, but the question of permanent relief was one which was engaging the attention of the authorities in Bihar. On that question also, when an appeal was made, I found that every Honourable Member of this House was so sympathetic that the Resolution now before the Assembly had to be drafted and presented before them with the obvious result that all of them wholeheartedly supported it and gave it their signatures; and it so happened that it was balloted in the name of Captain Sher Muhammad Khan Gakhar; and I am glad he has given it to one of my Bihar friends who has been able to give this House a very detailed estimate of the destruction that the earthquake has produced in that part of the country. Therefore, I need not repeat the tragedies which have befallen us. His Excellency the Governor of Bihar and Orissa, in his communiqué, and the officials of Bihar and Orissa have also very clearly depicted the conditions of the people and of the agriculturists and the sugar cane growers in that unfortunate land. I must tell the House that the accounts given by the officials are sometimes said to be an under estimate. I also feel that they do not give all the details of the troubles which the people are suffering from. Really it is much more than what we find in the official accounts.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. K. C. Neogy, one of the Panel of Chairmen].

I think even the death roll given in the official accounts is much less than the actual number of deaths that have taken place; but leaving those questions aside, I must be sincerely grateful for the immediate relief that is being given on a very liberal scale by almost all societies working in the affected areas. We are, however, confining ourselves today to the question of permanent relief for the purpose of reconstruction of the economic structure of Bihar. On that question, I may say a few words for the information of the House

Bihar, especially that part of Bihar, which has suffered most under this severe earthquake, was the fairest part of Bihar, the finest part. The whole country looked green when the time of harvest came and you will

not find any great areas lying fallow in that part of the country. Almost all available land had been brought under cultivation and, therefore, the population of the place is the densest as compared to the rest of India. So, that part of the country which was the fairest before this earthquake and which had the densest population in the whole of India, is now under the shadow of terrible suffering. The Government can very well realise what gigantic efforts would be required to restore it to its past position. It cannot be done, as my friend said, by the efforts of the Local Government alone: I know that the Local Government is also putting before the Local Council a Bill in which they have included other sufferers also, the sufferers by flood which recently took place in Bihar; but the efforts of the Local Government can in no case be enough. If it is meant that the Local Government should pass a Bill and the Government of India will supplement it by raising loans for the Local Government that is a different matter; and, in that case, our Resolution this day will only help the cause that the Local Government have at heart. I would submit that the loan would be required for many purposes. It is not only reconstruction of the houses for which loan is required: I believe the Municipalities and District Boards also will require large loans: I do not know whether the Local Government will ask for it or not, but I am sure they will be under the necessity of asking for loans, but the greater part of it would certainly be required by the people of Bihar. It is the middle class which has been hit, those who have been accustomed to earn and to live a decent life. But when this earthquake shook the foundations, all their possessions were buried under the debris, and they have now practically nothing left to re-start their life. It is a new life they have to start now. Sir, I am an eye-witness to the scene, and I say that hundreds of my friends who lived a prosperous life are now penniless, and soon after the earthquake, after the 15th of January, they were praying everybody to advance them some loan which, of course, the Relief Committees have been giving, but not to the extent required by these sufferers. Almost all the people who were living a decent life are now reduced to absolute poverty. They will not accept charity, they would certainly prefer to take loans, and, therefore, crores and crores of rupees would be required. Sir, it is beyond the capacity of the Local Government to give any loan at present.

I was very pleased the other day to hear the Honourable the Finance Member when he said that the Government were thinking of rendering substantial help to the earthquake sufferers by way of advancing them large loans. It was really a matter of great gratification to us to hear that statement. Sir, this is perhaps the first time in the history of British India that the Government of the country is so wholeheartedly supporting the people in every respect, and I believe a new era will dawn on the country when the people feel that their Government are not indifferent to their sufferings, that they have readily come forward with sufficient help in the shape of immediate relief, and that they now propose to give them permanent relief by advancing them loans. Sir, I feel that this is one of the best things that the Government could do in this hour of need, and I daresay they are doing it at the most opportune moment. It will have tremendous effect, I hope, if the Government will accept this Resolution and do all they can to help the poor sufferers in that part of the country, because a feeling will grow that the interests of the people and of the Government are identical, and that the people can rely on the Government to give them sufficient aid in time of need. A great thing that has come

[Maulvi Muhammad Shafi Daoodi.] *

out of the present unfortunate calamity is that not only all differences between the Government and the people, but all distinctions between all classes of the people, between Hindus and Muslims, high caste and low caste, have disappeared for the time being. All people are now living in huts side by side, Hindus, Muslims, Ahirs, Chamars, high caste and low caste people and help one another to relieve their sufferings, and it must be said to the credit of the people that all distinctions, which they used to have before have been forgotten. That calamity brings its own reward is only too truly illustrated in North Bihar at this moment, and I hope that the feeling which has been roused at the present moment will continue for some time at least, so that the estrangement between the people and the Government, which had been existing for the last so many years, may diminish to a very great extent and bring about good relations between the two parties in that part of the country at least, and if that part of the country testifies to the sympathies of the officials in that way, I hope the rest of India would catch it no doubt, and the rest of India would also feel that the Government of the country are not so callous as this was depicted to be in the past, that they have hearts to feel for their fellow subjects who are undergoing sufferings. That is a great lesson which I find this calamity is teaching us everyday. I would in the end pray that the Government should not lose the present opportunity to express their sympathy with the people wholeheartedly. If Government really come to the aid of the sufferers in true spirit, I am sure, a new era will dawn on India. Sir, with these few words, I support this Resolution.

Mr. E. Studd (Bengal: European) Sir, I wholeheartedly support this Resolution. Indeed, I think there can hardly be any Member of this House who does not do so, and I feel that I can speak with perhaps some additional sympathy, in that I knew certain districts of Bihar. I have had intimate connection with many people in Bihar,—my own family, in one way or other, for very nearly 100 years, has had, either some member in it or in some other way, intimate connection with some portions of Bihar, and, therefore, possibly I can claim to know a little bit from personal knowledge of the conditions there. It seems to me that the only possible objection that anyone could raise to this Resolution is that it is too general and too wide. Personally, I feel that in conditions such as these, it would be almost impossible to frame a Resolution which was too wide. It is absolutely impossible at present and will be impossible for quite a long time to come, to know exactly how great the need is, what the total extent of the damage done amounts to and what amount of money and labour will be required to repair that damage, but I do, Sir, greatly deplore and deprecate any effort to make political capital out of a situation such as this. It is not merely a local or provincial calamity,—it is a national calamity, and I venture to say that in some ways it is an unparalleled one, and, therefore, it behoves every one not to criticise what has or what has not been done, but to put their shoulders to the wheel, to put their heads together, and do everything they possibly can to help, firstly to alleviate the immediate sufferings and then to plan for the reconstruction of the devastated areas. It is one of those calamities in which all classes, all communities are involved. I hope that the Government of India will be able not only to advance generous loans to the Government of Bihar and Orissa, but that some portion of it at any rate will be given without any interest at all.

There are a number of Members in this House who are much better qualified than I am to speak of the plight of the different sections of the community, but I should like to give just two instances from my own experience. The first is a letter that I received a few days ago, describing the distress amongst the European planters. In the districts of Muzaffarpur and Darbhanga and South Champaran, there is practically not a bungalow left standing, nor a building of any sort. The planters and their wives and families are living in grass huts. Practically their only immediate source of income,—their sugar cane crop,—is unsaleable because the sugar mills are in many cases damaged and put out of action for a considerable period. Those are men who at the moment could give no security for, and pay no interest on a loan. I do not mention that as a special case, but I do think that it should be borne in mind that in addition to the Indian communities there is also the European community as well which is suffering just as great hardships as the others. And let it not be forgotten that that particular community is one which employs labour in running their estates, and, until they are able to get on their feet again, the labourers and all those others whom they employ will be out of work and in distress from not being able to obtain employment. The other case is one which I have no doubt is common to many people who come from Calcutta where so many servants come from these districts in Bihar. Two of my own servants came to me with tears in their eyes and told me that, from the accounts they had had, they had lost everything and that their families had barely escaped with their lives. Apart from that they had nothing left. Their houses and every belonging that they had, which they had made from the carefully hoarded savings of many years' hard work, were all swept away in a few moments. Those people too will have to be helped to start again. Their houses will have to be rebuilt. The land in many cases has been buried in silt or sand and made valueless. All those people will have to be helped to start again. I maintain that it is not merely in the interests of the Government of Bihar and Orissa that they should be put on their feet as quickly as possible, but it is just as much in the interest of the Government of India and the whole country, for one Province cannot suffer to that extent without the whole country suffering with it.

Sir, if there is one bright spot, it seems to me to be this. It has brought out co-operation between all the different classes. Differences of creed, caste and colour have been sunk and people have come forward unanimously to contribute to the best of their means to the relief of distress and help to get things going again. Donations, large and small, even down to such small amounts as four annas and eight annas, have come in from all over the place, but I think perhaps one of the most striking examples is the fund started by the Mayor of Calcutta. He was the first in the field and he has had and still has the unanimous support of the European commercial community in Calcutta. That, I hope, will be sufficient proof to my Indian friends that the community which I represent is anxious and eager to work with them, not only in the smaller things, but in the bigger things as well in this country.

Now, Sir, I do not think there is much else that I need say. The Calcutta Mayor's Fund was the first to be started, was the first to get to work, and it has been through that Fund that the Red Cross people have been able to get going, and, before I left Calcutta, they had a fully

[Mr. E. Studd.]

equipped hospital in Monghyr with a staff of forty, including four doctors, and every day there were supplies, blankets, food and other things, being sent up to be distributed. I think that this is a Resolution which commends itself to every one and really needs no supporting. Not only on my own behalf, but on behalf of the Group to which I belong, I strongly support this Resolution and urge Government to take the most liberal view in spite of stringent financial circumstances. I believe that a generous policy now will be a case of casting bread upon the waters which will come back a hundredfold in the days to come. (Applause.)

Mr. B. Das (Orissa Division: Non-Muhammadan): As an Oriya and as a junior partner of the Province of Bihar and Orissa, on behalf of the people of Orissa, I avail myself of this opportunity to express our deep solicitude and sincere sympathy with the great disaster that has fallen on my brethren in Bihar. Mention has already been made of the generosity of the people, not only throughout India, but all over the world, but the quake disaster is so great that for the reconstruction, not only of the towns, but of the villages, large funds are necessary. Public men in Bihar,—the Minister of Education and the Finance Member of Bihar—have both estimated that at least five crores of rupees would be needed for giving loans to the affected people. I find a statement made by the Secretary of State in the House of Commons also gave an idea that five crores of rupees would be

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): At least five crores—that is what he said.

Mr. B. Das: I stand corrected by my Honourable friend, Mr. Gaya Prasad Singh. At least five crores of rupees would be needed by the people of Bihar. The Finance Member here sent Sir Alan Parsons the other day to Bihar to survey the situation and to have a discussion with the Government of Bihar. It boils down to this that at least five crores of rupees the Government of India would have to advance to the Government of Bihar, and this House ought to recommend to the Government of India at what rate of interest that money should be advanced. Some of my friends have suggested that some portion of this money should bear no interest. If I could make a suggestion, it is this, that the money that the Government of India would advance to the Government of Bihar—that portion of it which will be advanced for town planning and for financing . . . agriculturists should not bear any interest for at least two years. If any money is advanced towards financing industrial interests, that may bear interest in the first or second year. Otherwise, the money in small sums that will be advanced for house building or for development of land should not bear any interest for two years. If scientific experts are to be believed, and if the reports are to be believed, the topography of North Bihar has undergone such a change that one does not know whether cultivated lands will produce any crops next year in view of the whole topographic change that has come over the quake affected area. Therefore, any money that will be given to the cultivators or to the towns people for building their houses or to raise new crops on desolate lands will not bring any return in any shape to the inhabitants during the first year. My suggestion to the Honourable the Finance Member is that he will not charge any interest to the Government of Bihar for the

money that will be advanced for the first two years. I would suggest that the money be advanced for 15 years and not for ten years, as has been suggested in certain quarters in the press, and for the next 13 years, the interest should be on a rising scale from one per cent. upward to the market rate at which the Finance Member borrows in the market. It is a world calamity that has affected Bihar. We have had instances in which the Government of India have gone out of their way to finance landowners, princes and even giving remission of interest charges to princes which they need not have done. When the Government of India have done these things in the past out of their large hearted sympathy to certain princes, they ought now to show their large hearted sympathy. I know they are sympathetic. As residents of Bihar and Orissa, we are all grateful to His Excellency the Viceroy for having started his Earthquake Relief Fund. I do hope that the Finance Member will bear in mind my suggestion and will give loan without interest for two years, and then, for the next 13 years, will charge interest on a rising scale. One point more, and I have finished. It has been given out in the press that a maximum of Rs. 5,000 can be advanced to each house-holder or agriculturist. There may be big men or rich men who have lost all, who may not be able to build a house with Rs. 5,000 in a town like Muzaffarpur, where my friend, Mr. Gaya Prasad Singh, lives, and Rs. 5,000 will not be sufficient to him to re-build his old palatial house which I visited once. When the Bihar Government approach the Government of India, the Government of India should advise the Government of Bihar not to limit the amount of the loan to Rs. 5,000, but to advance according to the capacity and credit of the person who receives such loans.

Mr. Chairman (Mr. K. C. Neogy): The Chair would like to intimate to the House that the House will adjourn for the day at 4-30 p.m. today.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Chairman (Mr. K. C. Neogy) in the Chair.

Mr. Chairman (Mr. K. C. Neogy): The House will now resume consideration of the Resolution moved by Kunnar Gupteshwar Prasad Singh.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhamtnadan Rural): Sir, I wholeheartedly support this Resolution moved on behalf of the sufferers of Bihar who were visited by a calamity unparalleled in recent historical knowledge. Sir, the Brahmin has come in for such a great deal of vituperation and criticism that it is a wonder that he still survives, but there is one qualification that the Brahmin has got that no other community has got. Sir, it has been my privilege to beg and to beg for the country, and that has been my ancestral profession, for as long as the memory of man runneth, not to the contrary, and today I assert that right and I extend the right hand of a Brahmin, a true Brahmin, an orthodox Brahmin with some, of course, aberrations here and there (Laughter), but all the same, the Brahminical element has

[Raja Bahadur G. Krishnamachariar.]

got the superior proportion in me, and I extend the right hand of a Brahmin to my Honourable friend, Sir George Schuster, as representing the Government of India, that he should not allow that Brahmin's hand to be withdrawn without its being completely filled in. Sir, whatever my Honourable friend, Mr. Joshi—who is himself a Brahmin, though he seems unfortunately to have forgotten that—may say, it has been my privilege not to beg for necessary comfort, for even in these days four annas would do to keep up a Brahmin. I want money to a very large extent, probably a very ambitious sum, and I request and hold up my Brahmin's hand for a dole of five crores of rupees at least. What more of it we require I do not know. If I can get this five crores of rupees at least, the immediate misery of these people could be tidied over. There is one little thing. The genius of the Government of India has always been, not now, but for a period of 150 years, to calculate the result of whatever they do upon the pound-shilling-pence basis or rupees and annas basis, and in terms of how much percentage of interest and return they will get, and all that. I would very respectfully suggest to the Government of India not to think of return—not to think how much of it will come back to them, but that following the example of the great kings of old, dip their hand deep into their pockets, and not think of anything else, but having done that, pull out this five crores of rupees and never think of interest. Sir, interest is not a good thing in these matters. The Muhammadan Law prohibits the taking of interest and, under the Hindu Law of *Damdupat*, the highest that you can take under exceptional circumstances as interest is that it shall not exceed the principal.

Mr. N. M. Joshi (Nominated Non-Official): How much do you charge?

Raja Bahadur G. Krishnamachariar: If you think I am neither a Hindu nor a Brahmin, I shall give you the answer. At present I am concerned with preaching a sermon to the Government of India as to what they should do, and there is no question now of what I should do. I have not got the money. The Government of India are the only people who have got the money, comparatively speaking. Of course my Honourable friend, the Finance Member, in trying to frame his Budget, may be passing sleepless nights thinking as to how he is going to balance the Budget; he may or may not be able to balance the Budget, but I want him to pay these five crores—not all at once—we only want it slowly and gradually, bit by bit as necessity arises.

Sir, I want that this proposal, which has been made on account of the stricken people of Bihar, should be met not in a niggardly fashion, but wholeheartedly, in the terms of the Resolution. All of us have had our sufferings at one time or other, and I have no doubt all of us must have witnessed the sufferings of other people in times gone by. I have not been there in Bihar fortunately or unfortunately, but I have been hearing of the troubles and sufferings of these people and we can appreciate the magnitude of the calamity which has been described by eye-witnesses, among others by my Honourable friend, Mr. Gaya Prasad Singh. Sir it is a sheer calamity, and it is up to the Government of India to rise up to the occasion irrespective of all other considerations; and I do hope the aims that I have begged of the Government of India by extending the right hand of the Brahmin will not be shoved aside, but filled and filled so well that everybody will be satisfied including my

friend, the Honourable the Finance Member, in spite of all his worries about balancing the Budget.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the recent earthquake in North Bihar is more than a national calamity. Big and thickly-populated towns like Monghyr and Muzaffarpur, Motihari, Darbhanga, Jamalpur and Patna, have practically been devastated. Miles and miles of cultivable lands have become thorough deposits of sand, quite useless. Huts and palaces have alike been turned into crumbling heaps. Thousands of men, women and children have perished. Hindus and non-Hindus, Biharis and non-Biharis, all have been reduced to a state of utter destitution. Those who have escaped death providentially have now taken shelter in the fields, in the improvised tents of sheets, blankets and durries, shivering in the chill or getting drenched in rain. It is really a pathetic and tragic sight all-round! The heart-rending catastrophe is Nature's challenge to humanity. It is now humanity's duty to accept that challenge and to pool together all the resources at its command for offering a brave and united front to her. If humanity is really endowed with the noble instincts of service and sacrifice, the present is the most appropriate time for manifesting them. So the time has now come both for the country and the Government to render immediate and generous help to our brothers and sisters of the devastated province of Bihar and thus save them from death and destitution that stare them in the face. Relief delayed is relief denied! We should not only afford them relief in food and covering, but also give them relief to put their heads under a roof. It is useless to emphasize that with the devastation and desolation the whole economic structure of the province has fallen to pieces. If a large mass of humanity is yet to be saved, they will require money, because without money no scheme for relief can operate. I, therefore, most strongly support this Resolution and recommend it heartily for the acceptance of the House. I have no doubt that the Government will also readily accept this Resolution, as we have already got an earnest of their desire in this respect from a recent speech of the Honourable the Finance Member in this House. Sir, I support this Resolution.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, while I support this Resolution, I do not wish to take up much time of the House. It has been our experience during the last 25 days to see expressions of sympathy in the press coming from all quarters and there is no doubt that in order to reconstruct the province and bring it to its former status, large amounts of money would be required. I hope Government will come forward to meet the demands ungrudgingly. At the same time, I cannot help remarking that the sympathy expressed in the press is not borne out by sufficient action. I know this is not the time to criticise Government. I know that Government are certainly sympathetic, but all that I complain is that the action taken by Government has not been prompt in the past. I hope in future Government will rise to the occasion and see that things are done at their proper time. As an instance, I can bring to the notice of Government that had they sent Sappers and Miners immediately after the disastrous news reached them, I am sure they would have been in a position to save a large number of lives. Even now I am told that the Sappers and Miners would be useful in city areas. The villagers need not require their assistance in removing the debris in villages, but in restoring the communications the help of the Sappers and

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Miners can best be availed of even for the rural areas. Then, I should also like to bring to the notice of Government that complaints against the railway authorities are not wanting and I hope these also will soon be removed.

Again, Sir, I have a suggestion to make to the Honourable the Home Member in this connection. I think I am not going too far if I suggest that the one great worker, Pandit Jawahar Lall Nehru, who has been arrested at this time, should be let off. Honourable Members may have read in the press that he denied the bail though it was offered to him in Calcutta. Sir, is it not most unimaginative on the part of Government to arrest him at this juncture of time and to deprive that stricken Province of a great help which would have been available to it had he been free? It is an occasion on which Government ought to act with some reasonableness and they should not inconvenience the people at a time when help is badly required.

Sir, it has been stated on the floor of this House that the Municipalities, which cannot derive any income now, require large amounts of money to carry on their day to day administration. The District Local Boards, who look after the communications, are also in need of money and Departments like Agriculture and Industry may also require money. For these reasons, the demand made in this Resolution is a modest one, and I hope Government will accede to the wishes of the House and will agree to advance a liberal loan with no interest or at a low rate of interest. With these words, I support the Resolution.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. Chairman, a Resolution of this kind, it goes without saying, meets with the sympathy of all sections of this House and to whatever school of thought we may belong. In a catastrophe of this sort, the country must unite and it is gratifying to find that they have united and the work of relief is being carried on by all classes in co-operation with Government. I need hardly say that any suggestions that the Honourable the Finance Member may place before this House for their acceptance, which will go to relieve the stricken province of Bihar, will meet with the cordial approval of the whole of the Non-Official Benches. (Applause.) When we are up against a catastrophe of this sort, the whole of India will have to contribute, and the best way for the whole of India to contribute would be through proposals from the Central Government. If a loan is to be granted to the Province and if Government come forward with proposals that the money should be lent at a rate of interest less than what they have to pay, I am sure this side of the House will consider such proposals with every sympathy. Even if the Finance Member suggests no interest, we shall certainly consider it. I do not think there is anything further to be said, Mr. Chairman. A good deal has already been said and, I am sure, the Province of Bihar and its representatives have had many tokens of sympathy and none more sincere than from the Members of this Honourable House.

Mr. Gaya Prasad Singh: Sir, I heartily support this Resolution. In doing so, I must express my sense of appreciation of the very sympathetic speeches made by my colleagues in this House. My Honourable friend, Mr. Studd, referred to the case of the European planters in Bihar who have also suffered as a result of this earthquake. I need hardly assure him that our sympathies are also with those stricken people who have suffered equally with the rest of the population. In a matter of this magnitude, all limitations of race, territory or creed must give place to the imperative call of humanity. Imagine, Sir, for a moment a tract of country, as large

as Scotland, and supporting a population five times that of Scotland, shattered to pieces within the twinkling of an eye on that fateful afternoon of the 15th January. As an eye-witness to the horror which I saw in Muzaffarpur on that occasion, it is impossible for me to convey even adequately any idea of the extent of the disaster and the loss either to human life or to property which it entailed.

Sir, I should like in this connection to read out one passage from the speech of His Excellency the Governor of Bihar and Orissa as I do not like to trust myself to speak on a subject on which my heart is full. His Excellency said:

"The toll taken in human life is very heavy. Even now nothing but an approximate estimate can be given of the number of deaths, but I hope it may be found not to have exceeded four thousand. It is wholly impossible to give any estimate at all of the number injured, for the numbers brought for treatment to hospitals in no way represent the total number of victims."

That was said on the 22nd January, and we read from the newspapers that the number of lives lost has already exceeded the number estimated by His Excellency. The popular estimate puts the number of deaths at about 20,000. It is not necessary for me or for anybody else to employ language of exaggeration, because a mere description of the state of things, now prevailing in that part of the country would be sufficient to stagger humanity.

The Honourable Mr. Blunt, the Finance Member of the United Provinces Government, while presiding over a relief organisation meeting at Lucknow, said as follows:

"In the 33 years of my service, I can remember no more serious disaster. Even the great war, in India at all events, did infinitely less damage and from what I have heard and read there seems no doubt that the damage done by the earthquake in northern Behar is comparable to the damage done by the war in northern France."

Very flourishing towns like Monghyr, Muzaffarpur, north Bhagalpur, Samastipur, Darbhanga, Hajipur, Motihari, Sitamari and many other places are now in a heap of ruins. It is not merely a question of rebuilding the houses. The question boils down really to the reconstruction of about half the Province of Bihar. The problem is a vast one and it is beyond the capacity of the local bodies and of the Local Government. Municipalities have ceased to function, all the houses having collapsed, their source of revenue has naturally shrunk down. Wells have dried up in the villages and also in towns, and the necessity for providing adequate drinking water is very keen indeed, and unless these immediate requirements are promptly supplied, the danger of an epidemic looms large before the people of these stricken areas. The loss to Railways and to Government property has also been terrible: jails have gone down, Court buildings have collapsed, hospitals and dispensaries are no more, and other public buildings have also suffered terribly. The High Court Building at Patna has been materially damaged and so also other public institutions, and it will require a huge sum of money to rebuild them. The loss to private property is also immensely great. I will read out in this connection what His Excellency the Viceroy said with regards to the loss of life and property. His Excellency said:

"Countless homes have been destroyed and, over a wide area, property and possessions have been annihilated and have ceased to exist."

The immediate needs of the people at the present moment are blankets, cloths, canvas, tarpaulins, bamboos, corrugated iron sheets for erecting temporary huts against rainy season. Food, medical relief and other neces-

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sities for starting life again are also urgently necessary. The loss to traders, businessmen, shopkeepers, professional men and agriculture has been very great. Large tracts of country have been laid waste, the earth opened and vast quantities of sand and water erupted deluging the whole place and making the agricultural land almost uncultivable. Rivers and streams have changed their courses, high places have gone down and low lands have gone up interfering very seriously with the natural drainage of the country. I tremble to think what would happen in the rainy season, because there is an imminent danger of floods devastating all that part of the country and this problem should also seriously engage the attention of the engineers and other experts of Government. Huge areas of land which were under sugar cultivation have also suffered very terribly. Sugar Mills have ceased to function for a considerable time, and the question of how to dispose of the standing sugar cane crops should seriously engage the attention of the Government. The Central Relief Committee started with non-official agency has been doing splendid work at this juncture. I am glad to notice that official organisations and the non-official organisations have been working hand in hand sinking for the time being at least whatever differences that divided them before. The District Boards have also suffered terribly. Embankments, drains, roads, culverts, bridges, schools and dispensaries have been destroyed, and it will require huge sums of money to set the District Boards again on their legs. I had the advantage of having a talk with the Honourable Mr. Abdul Aziz, Minister in charge of the Department in Bihar when he came to Delhi some time back. I had also the advantage of a talk with Sir Alan Parsons before he paid his flying visit to Patna. I am glad to say that I found these gentlemen full of sympathy for the sufferings of my countrymen in Bihar. It has been stated that Sir Samuel Hoare, the Secretary of State for India, in reply to a question in the House of Commons said that at least five crores of rupees would be needed to reconstruct the economic structure of the Province. I take it that that is the official estimate. I hope that the estimate is subject to revision, because the non-official estimate puts the figure that will be actually required at a higher level. The resources of the Government of Bihar whose efforts I thankfully acknowledge, are absolutely unable to cope with a disaster of such magnitude. Long-term loans from the Government of India should be generously given to the Government of Bihar as also suitable donation. At a time when the financial resources both of the Local Government and the people in the affected areas have been very seriously affected, I submit it should be a matter for consideration whether any interest should be charged for the loans advanced. There are schemes which were floated under the auspices of Government like the Bombay Back Bay scheme and other schemes. I am not making any criticisms on this occasion, the occasion is too solemn for me to offer any criticism of Government in other spheres of life. But some of these schemes have failed, involving heavy financial losses. This is pre-eminently a case where generosity must flow out without stint or respite from Government and from the people of this country and outside. It is also necessary that at least a portion of the land revenue and other public demands in the affected areas should be remitted. In this connection I am sorry to read out to this House a news which has appeared in the papers. This is a report from Muzaffarpur, dated February 12th, and reads as follows:

"Reports are pouring into the local branch office of the Bihar Central Relief Committee from the interior about the alleged harassments of afflicted peasants for payment of *chaukidari* tax and *malguzari* rents due to the landlords.

The villagers under the Dharampur police station in Muzaffarpur sub-division are reported to have been notified by beat of drum that failing immediate payment of the *chaukidari* tax for 1933 their moveable properties would be auctioned.

A representative conference of the peasants of the Sitamarhi sub-division was held on Saturday last to protest against these activities."

Sir, I do not know whether the people have many moveable properties left, but whatever that may be, they too stand in immediate danger of being confiscated for non-payment of *chaukidari* taxes. That, however, is a matter to which I need not refer more specifically on this occasion. As I have already stated, the area badly affected is a wide one, it covers about 30,000 square miles and, as reports come, about 3,000 square miles of agricultural land have been ruined by sand and water. Sir, I quite realise the difficulties of my Honourable friend, the Finance Member, when he gets up to reply to this debate. Probably it might be embarrassing for him to unfold at the present moment the secrets of the Budget. But without going into specific items which might be connected with the Budget, this House expects that the Finance Member or the other Members of the Government of India will be in a position to give the most sympathetic consideration to the Resolution which has been moved. Sir, it is stated, and I am referring to the Bihar Governor's appeal for the Viceroy's Earthquake Relief Fund, that the epicentres of the disastrous Japanese and New Zealand earthquakes in recent years were not more than about 20 miles long. The nearest approach made to the size of the Bihar earthquake within the century was probably the great Californian earthquake of 1906. From the same statement it appears that "for the reconstruction of Tokio and Yokohama, ten years ago, an equivalent of 80 crores of rupees was spent, and the need of Bihar is not to be measured in lakhs". That, Sir, is the estimate of His Excellency the Governor of Bihar and Orissa.

Sir, I am also thankful to the Honourable the Railway Member for the concession which he has accorded with regard to the sending of goods and parcels to the earthquake area at half the tariff rate. I am here constrained to point out that sometimes the instructions issued by the Railway Board and the higher authorities here are not carried out by the subordinate officials in the spirit in which they are issued. I myself in this connection made a representation to the Honourable the Commerce Member as well as the Chief Commissioner of Railways, and to my Honourable friend, Mr. Rau. I am glad to say that they took up the question immediately and necessary instructions have been issued, but not without loss of time and after some delay which was due solely to the local officials. Sir, in this connection, while acknowledging the concession made by the Railways to carry parcels and goods at half tariff rates, I should have expected that they would go to the full extent and allow all parcels to go free to the earthquake area. I understand that in other countries like Japan and elsewhere at critical times like this the Railways gave full concession for articles and parcels being sent free to the affected areas concerned. Sir, the Railways exist for the people, the people do not exist for the Railways. If, at a time like this, the Railways are generous enough to extend their full quota of practical sympathy to the people of the affected area, they will be rewarded afterwards in various other ways. The population in North Bihar is suffering and stands in danger of extinction. The map of Bihar is to be prepared a new and it behoves all of us, Government and non-officials, this House and the country outside, to respond to this call. Sir, tens of thousands of people are living at the present moment under most miserable conditions. Dead bodies even now are being extracted

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from the debris of fallen houses. The drains in the Municipalities are choked up emitting horrible smell at many places.

Sir, I will not take further time of the House now, but conclude my observations with a fervent appeal to Government to make the most generous response to the call of suffering humanity. I am glad to acknowledge with gratitude that His Excellency the Viceroy has taken a personal interest in the matter. The Mayor of Calcutta, and various other individuals and organisations.—I will be failing in my duty if I do not refer to them,—are doing what they can to relieve the distress of the people. But I must say that their efforts,—however noble and strenuous they may be,—fall far short of the requirements of the situation unless supplemented in other ways.

In England too, I find that the Lord Mayor has opened his fund and many of the ex-Viceroy's of India have also spoken very generously on the need for assistance at this critical time.

North Bihar stands in danger of being wiped out. I am indulging in no exaggeration when I am making this statement. A mere recital of the fact would be enough to convey an idea of the state of things prevailing there. We have been reading in the newspapers harrowing accounts that come from that part of the country and we have been seeing pictures in some of these papers. But I venture to submit that they convey a very imperfect idea of the state of things prevailing there.

With regard to the financial assistance needed, I would submit that they may be divided into certain heads. Financial assistance will have to be given to the Government of Bihar and Orissa for the reconstruction of their own public buildings, like jails, hospitals, schools, Courts, and so on. What will be the exact amount needed for these purposes it is not for me to say: their engineering experts are better qualified to speak on this matter; but, as a layman, I think that nothing less than a crore and a half or even two crores may be needed for this purpose. Then there is the need for financial assistance to private people, not only to rebuild their houses and to start life again, but also to give them the means of supporting themselves and their families afterwards and putting them on their legs again. This also is a work in which a huge sum of money will be needed. It cannot be less than three crores or so. Then the Municipalities and the District Boards will need an immense sum of money, and that might come to a few crores. As a layman, I cannot give even an approximate idea of the exact requirements under the different heads. The agricultural population in the interior will require a substantial sum of money: wells that have dried up or choked up or filled with mud and sand will have to be rebuilt. The question of an adequate supply of drinking water should be tackled without loss of time. The amount of five crores, as stated by the Secretary of State for India, is, I think, an inadequate sum; but whatever that may be, I will appeal very fervently to the Government to come generously to the rescue of the people of Bihar. With these few words, I support the Resolution. —

Mr. N. M. Joshi: Sir, after the moving speech of my Honourable friend,

3 P.M. Mr. Gaya Prasad Singh, it is not necessary to speak much in support of this Resolution. This is an occasion when the unity of our country could be demonstrated by the Government of India going to the help of stricken Bihar. I would like to make one suggestion to the Government of India when they advance money to the Government of Bihar. As

regards the terms of repayment and interest, I have nothing to say. I leave the matter to the Government of India. But I would suggest to the Government of India that when they make loans to the Government of Bihar, they should make certain conditions as regards the reconstruction of towns: the Government of India should insist that towns should be re-built and planned on modern principles: the modern needs of sanitation, air and light should be borne in mind and not only that: but when the towns are replanned the needs of the future should also be remembered. I would also suggest one more thing. In reconstructing the towns modern principles of property should also be enforced. Municipalities and other town authorities have always found it difficult to carry out certain modern plans on account of what we call rights of property. I hope when Government will go to the assistance of the towns and Municipalities and other bodies, these other bodies should also remember the needs of modern times as regards town planning and as regards the difficulties created by rights of property.

Rai Bahadur Kunwar Raghubir Singh (Agra Division: Non-Muham-madan Rural): Sir, as nobody has yet taken part in the debate from my Province I think it my duty to support the Resolution, not only on behalf of my constituency, but on behalf of my Province also. The calamity which has fallen Bihar has found sympathisers not only in the nationals of India, but also of the outside world. I would suggest most respectfully to the Government to utilise the Famine Relief Fund in this connection. It was said—and I have read many causes of the earthquake, but I am speaking of the views of those Pandits who said that it was the congregation of seven stars which brought about this calamity. However that may be, this Resolution shows that we look to the other seven stars, the seven Members of the Government of India, to help the stricken people of Bihar. The framers of the Resolution, in my opinion, have done well not to put the amount of loan which may be required; we see in the papers that the earthquake tremors have not ceased altogether: Sitamarhi has received another tremor, and Darbhanga, and also the City of Delhi itself: Muzaffarpur is in ruins; and I think it was the duty of my friend, Mr. Ganga Prasad Singh, to have remained there to look after relief work instead of sitting here, because the earthquake is still causing harm and havoc. It is very necessary that the construction of houses should not be taken up very soon, until we see that the havoc has stopped altogether: the houses should not be constructed in a hurry. There was a manuscript in Persian which is now with the Right Honourable Sir Tej Bahadur Sapru which showed that there had been an earthquake in Delhi in 1033, and that earthquake havoc continued up to forty days; and so it is just possible that these tremors might go on still. The Government of India, as has been expressed by Members from Bihar itself, are alive to the necessities of Bihar. The measures taken by the Government to collect subscriptions are indeed very laudable, but, Sir, there is a fear in the minds of the public that red-tapism would lead to delay, and, therefore, some people are sending their subscriptions direct to the non-official agencies. There is another point on which attention should be concentrated, and to which attention has already been drawn by Pandit Madan Mohan Malaviya in his communication to Babu Rajendra Prasad, and that is that the digging of the debris is more necessary than any other thing. I don't mean to say that the Government of Bihar and Orissa is not looking after this side of the problem: they are doing all they can in the matter, and also the various non-official agencies, the Hindu Maha Sabha and the

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officers of the Boy Scout movement who have gone there from my part are all doing admirable work. Therefore, I hope, Sir, that the Government of India will be as quick as His Excellency the Viceroy has been in starting the Fund, and they will give the loan to the stricken Province without further delay and discussion.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, the calamity which has fallen on the Province of Bihar and Orissa is probably unprecedented in recent years. We probably can imagine the havoc caused, but those who have actually seen the places affected tell us stories of woes and miseries of the people which will move even the most hard-hearted amongst men. The reconstruction of Bihar and Orissa will require crores of rupees, and now that the money market is cheap, Government should undertake to raise capital for the Provincial Government which is required for the reconstruction of the Province. I admit, Sir, that private funds are forthcoming for the purpose, but they will be a drop in the ocean. To reconstruct a whole Province with private funds is next to impossible. As has been said by many Honourable Members, many persons who were leading a prosperous life have now become penniless and homeless. It is the duty of the Government to look after the interests of the distressed people of the country they rule. Much has been said on the subject by the members from the Bihar Province, and so I shall not dwell on the subject any further. Sir, I support the motion.

Mr. Badri Lal Rasogi (Patna *cum* Shahabad: Non-Muhammadan): Sir, after the speeches to which we have just listened and the Government communiqués issued from time to time, very little remains for me to say on the unprecedented cataclysm which visited my Province on the fateful afternoon of the 15th January last. I am one of the sufferers myself. The great rumbling sound beneath the surface and the falling down of my houses and those of others were all witnessed by me in my town.

Sir, there is no gainsaying the fact that the calamity has been very great, and the reconstruction work and giving a fresh start in life to those who have lost their all will certainly cost crores of rupees. I am grateful to His Excellency the Viceroy for coming to our rescue at a time when we needed help very badly, and I am also thankful to you, Sir, (I mean the Honourable the President), for organizing a small Committee of this House to contribute to the Viceroy's Fund. With these few words, Sir, I commend the Resolution before the House for the acceptance of Government.

The Honourable Sir George Schuster (Finance Member): Sir, if this Resolution was designed as a whip to drive Government on to action, it was unnecessary, but if it is meant as a support to Government in any action which they may take and as an expression of sympathy for the people who have suffered in Bihar, then we wholeheartedly welcome it. As a matter of fact, we have been giving earnest thought to this question ever since the first telegrams about this disaster came to us over the wires. We immediately realised that this was a disaster of a magnitude which must exceed the resources of a Provincial Government, especially of a Provincial Government whose resources are, as we all know, strained at present as is the case with the Government of Bihar and Orissa. We waited for a few days, because we knew that the Local Government would

be so occupied with measures of immediate relief and in collecting information as to the situation, and we did not wish to worry them with issues that might delay their work in those first few days; but as soon as we felt that they had had time to look round the situation, we approached them and said that we were anxious to examine the situation in consultation with them in order to see what help would be required from Central Government funds, and we suggested sending down an experienced officer to discuss the position with them. Honourable Members know that at the first opportunity or I would say at the first date when the Government of Bihar and Orissa was ready to discuss the position, the Secretary in the Finance Department, Sir Alan Parsons, flew down to Patna in order to examine the position fully on the spot. I may say that we are working out a comprehensive plan in complete agreement with the Government of Bihar and Orissa. I am not in a position yet to announce the full details of that plan, but I can say this—that it will either be announced in the course of my Budget speech or possibly at an earlier date. We hope that the lines on which we propose to deal with the situation will be adequate to meet its needs and will commend themselves to this House.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

If we had been framing the Resolution which is now before the House, we should perhaps have chosen slightly different words, but as we are in complete sympathy with the spirit in which that Resolution has been moved, I do not wish now to suggest any change in the words, and we on the Government side are quite prepared to accept the Resolution. (Applause.) I think that Honourable Members will realise when they have our plan before them that it is a plan which is in accord with the spirit of that Resolution.

Now, Sir, there are only a few things which I wish to say in addition. It is, of course, very easy to talk in terms of generosity, especially when one is dealing with public money, but on the other hand, we are the guardians of the public funds, and there is some danger in speaking too loosely of what can be done and the way in which public money should be handled. I am sure that no one in this House would wish us to adopt an attitude of saying: "Here is all the money that you ask for, we do not care how you spend it, just go about the work as quickly as possible". That obviously would lead to abuses. We must see that whatever public money is applied, either by way of loan funds or grants for dealing with the situation, is applied in the most economical manner, and for that we shall have to rely upon the Local Government. The whole administration of whatever money is available will have to be in their hands. There are other dangers, I think, in being too free with promises at the present moment. The scheme is one which will require careful working out. There are various types of need to be met. My friend, Mr. Gava Prasad Singh, has pointed out that there are the needs of the Government to replace its buildings, there are the needs of the local authorities to rebuild schools, dispensaries and that sort of thing, there are the needs of private individuals, some of them comparatively well-to-do people, but who still will be in considerable difficulty in the present crisis, others very poor who will have no means of helping themselves.

Then, again, there is the effect on local agriculture and particularly the effect on the sugar industry. Each main class of need will require separate action. Some of the needs obviously can only be met by Government and Government help on a large scale will be necessary. Other parts are

[Sir George Schuster.]

suitably met by private charity, and one point which I want particularly to make is this, that however generous we in the Government may be and however much support we may receive from this Assembly in generous action, there will still be a need, greater than any need that can possibly be satisfied, for subscriptions to those private funds which have been opened and which have been spoken about with so much appreciation by Honourable Members. That is an important point to bear in mind, because I am sure Honourable Members will recognise that there is a certain kind of assistance which ought to be met out of that type of fund. Then one other point that I want to make is this. There will, of course, be a great deal of reconstruction of buildings, bridges, roads, etc., to be carried out. A great deal of work will be placed with contractors, a great deal of material will have to be supplied partly in the nature of iron and steel work, galvanised sheets, bricks, cement, and so on. I would like to appeal specially to those Honourable Members who come from the districts, where the work will be done or from which the materials will be supplied, to create a public opinion, to which I am sure the big manufacturers and contractors would respond, that this is not an occasion from which they should seek to profit unduly. (Hear, hear.) It is most important that those who will get the benefit—and one is only too glad that they should get some benefit—from the supply of materials and undertaking contracts in connection with this disaster should act in a public spirit and should not, as I have already said, seek to make this an occasion for profiteering. The Government of Bihar and Orissa are alive to that point, and I am sure that one has only got to create an adequate public opinion in order to make the desire to avoid that sort of profiteering effective in practice. Perhaps Honourable Members can help in that. That, Sir, is all I need say on this subject. I hope that it will not be long before we can announce our full plans, and I hope that those plans will be regarded as adequate by Honourable Members. There is only one final word, and that is, we shall of course have to devise our plans on the estimates that are already before us, but we fully recognise that in certain respects it is impossible yet to form any final estimate and, therefore, I appreciate the point made by my Honourable friend, Mr. Gaya Prasad Singh, and other speakers. We cannot tell yet what the full need will be and we must be ready to meet the whole need in the same spirit as we meet that part of it which we can now accurately measure. I need only repeat in conclusion that on behalf of Government we support this Resolution.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is.

"That this Assembly recommends to the Governor General in Council that he may be pleased to advance such loan without interest or at a very low rate of interest to the Government of Behar and Orissa, as may be required to help the reconstruction of the economic structure of Behar, devastated by the recent earthquake."

The motion was adopted.

RESOLUTION *RE* ABOLITION OF THE DUTY ON RAW FILMS.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadar Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council that the present duty on raw (unexposed) films should be abolished for a period of 15 years, in order that the indigenous film industry may derive substantial benefit and encouragement."

To this I want also to move an amendment. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Mover of a Resolution cannot move an amendment to his own Resolution.

Mr. B. V. Jadhav: The subject of the film industry has been engaging the attention of this House for the last twelve months. On two previous occasions, this question was debated in this House. On the first occasion, the history of the film industry and its importance was laid before this House and, on the second occasion, a Resolution was moved by my Honourable friend, Mr. Lalchand Navalrai, to which a very sympathetic reply was given by the Honourable the Commerce Member. On that occasion, Sir, he said:

"If we find on looking into the question of drawback, that we could recoup ourselves to some extent, we are prepared to give the industry the benefit to that extent. I should like to make that perfectly clear. We are prepared to reduce the import duty *pro tanto* to anything we get from the reduction or abolition of the rebate on exposed films re-exported."

My intention in moving this Resolution is not to embarrass the Government or to ask them to unfold their budget plans, but my intention is to place before the House the difficulties of the film industry and to pray to Government to take the necessary action. On the first occasion, I pointed out that the importers of foreign films were treated with some consideration while those persons who were engaged in the indigenous industry here in this country were not so much cared for. On that occasion, I pointed out that the price of exposed films per foot was not exactly the right price and, therefore, it was open to Government to revise that price. I am very glad that Government have come to a decision on that point, and I congratulate Government on the distinctions they are making with regard to topical films and feature films. A topical film gives news and such other things, more or less of an educational value, and, therefore, Government are right in lowering the price per foot of such films. In the case of the feature films, that is the main films, which persons generally go to see, it requires a good deal of money to produce them and, therefore, they are more valuable, and the Government are right in proposing of raising the price to seven annas per foot. In this way Government will make some money. At the same time, Government have come to realise that the re-exportation of films which have been shown all over the country do not require rebates and with that object they have introduced a Bill in this Assembly which will be taken into consideration when the time comes. In this way Government are also going to save some amount of money. In this respect there is no question of tariffs. It is generally taken for granted that the increase in the tariffs on foreign articles is an indirect encouragement and help to the national industry concerned in the manufacture of similar commodities. But in the case of the film industry this proposition is not wholly true. The composition of the Indian population is such that a particular class of cultured and Westernised persons prefer to see foreign films. On the other hand, those who do not understand the English language flock to Indian pictures. Theatres are set apart for the exhibition of foreign and Indian pictures in every town in India, and so the customers are quite different, and, therefore, the encouragement to one does not mean a hardship on the other, or higher taxation on the imported films does not mean that the indigenous films are to that extent encouraged.

[Mr. B. V. Jadhav.]

Thus it should be clear that the proposed abolition of the rebate system or the increase of the import duties on exposed films will not in any way give direct help to the indigenous industry, but there are indirect advantages. No doubt the proposed measure would help the development of an important branch of the industry to a limited extent. For instance, it will now be advantageous to the distributors to import negatives and process them in India. This would necessitate the setting up of laboratories for processing purposes and the employment of Indian labourers, and incidentally the Government will also get more revenue by the larger import of machinery and also in the shape of income-tax from the studios.

I shall now take the different parts of the Resolution in turn. My first point is to ask Government to do away with the import duty on raw films. Raw films are the raw materials of the industry and no elaborate argument is required to impress the fact that the raw materials of any industry ought to be made available to the industry at a cheap rate and they, therefore, ought to be imported duty free. This principle has been laid down by the Indian Fiscal Commission. They say that the raw materials required for Indian industry should ordinarily be admitted free of duty and they further say that this is an obvious principle of general acceptance in protectionist countries. I need not take up the time of the House in detailing why the industry deserves encouragement. This has been sufficiently dealt with on previous occasions. To sum up, I may say that it is an important national industry. It has an educative influence. It gives employment to a large number of persons and it employs Indian capital. In this respect I may point out that since the advent of the talkies, the capital required for starting a film company as well as to produce a film is much higher than it was when there were silent films only, and, therefore, more capital is now required to be invested, but, at the same time, I may point out that the income has not increased, because the houses are the same and they bring in on an average the same income. Therefore, the industry is required now to be financed to a larger extent, while the income from that industry is almost stationary and, therefore, it will be seen that the industry is making less profits than it did previously. Therefore, the industry deserves some consideration at the hands of the Government.

The rapid conversion of the Indian film industry from silent pictures to talkies has taken place within a very short period of something like 2½ years only, while in America and England it took a longer period. There are even at the present time many theatres which show only silent films there while in India the number is being reduced very rapidly. Formerly only Rs. 10,000 was necessary to produce an ordinary silent picture, but a sound picture requires at least an investment of from Rs. 50,000 to Rs. 60,000. The machinery that is required for the production of talkies is more costly and more delicate and it, therefore, requires higher paid staff to manage the machinery. This large addition to the capital of the industry does not yield an adequate or proportionate benefit. As I pointed out, this is due to many handicaps under which the industry is labouring and which retards its quicker expansion and development in all its branches. The cost of raw films required for the picture comes to about Rs. 15 to 20 thousand, a portion of which is accounted for by the import duty. The biggest raw material is the raw film and, of course, a good amount of

money is invested in the production of a film picture. The time required for the production of a talkie is longer and consequently the capital remains locked up for a longer period. As I have already pointed out, this requires the importation of costly machinery, such as the recording machines which cost something between Rs. 20,000 and one lakh and sometimes even more. The import duty on such instruments, which are exclusively used in the film industry, should also be remitted. These recorders cost a good deal of money and they are also required to be imported from foreign countries and these recording machines are not used for any other business. They are not required for photography or for any other thing. They are required for the film industry exclusively and, therefore, Government should also take note that the duty on the recording machinery should also be reduced considerably. The prosperity of the talkies depends mainly on the number of theatres at which they are presented, and, as the number of theatres, at which talkies will be exhibited, increases, the profits of that industry will increase in that proportion. But all the theatres that are here in India are not wired for talkies because the producers, as they are called, also cost a great deal and, therefore, if they are made cheaper by remitting the import duty on them, then in that case there will be a good deal of impetus given to the owners of theatres to wire their theatres with that machinery, and more and more talkies will be shown there.

Sir, I may point out that, in the United States of America, there are about 14,000 cinemas wired for talkies and there the proportion is one theatre for about 8,574 persons; in Germany it is about one theatre for about 18,000 persons; in England the proportion comes to roughly 11,000; in France it is 19,000, but in India, with her vast population of over 350 million, there is one wired theatre for about $3\frac{1}{2}$ millions, so that every encouragement should be given to owners of theatres to wire their theatres for the show of talkies. In this way the indigenous talkies will be encouraged and more and more people will take advantage of them. In spite of her biggest population, India has the smallest number of wired cinema houses, whereas other countries have about 75 per cent of their theatres wired. This is mainly due to the heavy cost of the materials necessary for the wiring apparatus which has to pay a very heavy import duty. Therefore, the industry, suffering as it does on account of heavy import duties on its raw materials and machinery, the diversity of languages and scanty places of exhibitions, should be given some sort of relief in order to allow it to develop quickly.

Sir, I need not say what the other nations are doing for the encouragement of this industry. Suffice it to say that all other countries—France, Italy, Germany and even England—are encouraging this industry in every possible manner by special legislative measures, by the introduction of the quota system, by insisting on printing the positives done in the country and by a direct subsidy and financial help to the producers of films. With the same idea, Germany started a Film Credit Bank in August, 1933, to stimulate the production of German films, and she has prohibited the appearance of foreign actors on the German screen. Italy helps the industry by direct subsidy. About two million lire were given to two film producing companies in April, 1933, and, under the paternal care of Signor Mussolini, the industry is making very rapid progress. Nor does France lag behind. She has laws to stop the importation of foreign films at any

[Mr. B. V. Jadhav.]

time, and any film that enters has to be dubbed in France itself. The quota system is insisted upon by Czechoslovakia and direct financial aid is given to the industry. A separate department has been created, called the State Film Central, for the development of the industry. Even England has the quota system to protect her own industry. Too obvious are the objects of such safeguards, and they show the amount of attention which every Government is paying to this industry. One really wonders what exactly prevents the Indian Government from helping, encouraging and fostering the film industry, while even the minor industries, to say nothing of the major ones, are receiving protection. But, then, although the Government of India are not prepared to give help directly, still I am very glad to observe that the Honourable the Industries Member is very sympathetic towards this industry and has assured the delegation of the Film Society, that waited upon him the other day, that he would give a very sympathetic consideration to their prayer. I need not repeat, Sir, that in this Resolution I have requested the Government that the present duty on raw film should be abolished, and I pray further that the import duty on the recording machines and on the producers should also be materially reduced, so that the industry may thrive and may be a source of profit directly to the Government of India by increasing the profits of the film magnates and thus giving additional revenue to the Government in the shape of income-tax. With these words, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council that the present duty on raw (unexposed) films should be abolished for a period of 15 years, in order that the indigenous film industry may derive substantial benefit and encouragement."

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, I wholeheartedly support the Resolution which has been moved by my Honourable friend, Mr. Jadhav. I think it will not be an exaggeration to say that the film industry is still in its infancy in India, and my Honourable friend has exhaustively dealt with the facts and figures in support of his Resolution. Sir, this industry, I submit, ought to be supported from many points of view. From one point of view, it can be supported as being a very good business, and, from another point of view, it can be supported for its constituting a very substantial instrument of instruction supplementing the ordinary education, and even sometimes as a substitute for the ordinary education. Sir, it is through the operations of the film industry that we can see many things and many wonders of the world, and many things in connection with education and health are clearly illustrated and brought vividly before our minds. The film also is capable of inspiring a man to such a height that men are enabled to show their ability through the film of good acting and good representation of human characters. (An Honourable Member: "And of good singing.") Yes, thank you very much, of good singing also. Take, for instance, this havoc in Bihar. It can be shown vividly in other parts of the world through the film, so that they may appreciate its devastating effects. You cannot otherwise imagine it adequately. People are not satisfied simply by the verbal descriptions appearing in the papers unless they

actually see it through the films. Sir, I can tell you of one particular instance in Calcutta. A film came out which showed a critical operation, and, I dare say, every medical practitioner was benefited by that particular film, because there are some serious operations which, when magnified on the screen, bring out the processes so vividly that one can almost minutely see the operation performed, and thus people cannot fail to educate themselves in the light of the profession. Furthermore, there is another aspect. This film industry, if it is really started as a business line in this country, if it gets the encouragement of the State, will also help in the general social uplift and in political propaganda. By political propaganda I do not mean any subversive propaganda, but I mean that real progress can be shown in this country through the film. At the same time, one must remember that if this film industry does not get support, especially from the State, it may be misused in other directions. In support of this Resolution, I would like to quote the remarks made by the Indian Fiscal Commission in the year 1921-22. They recommended:

"Raw materials required for Indian Industry should ordinarily be admitted free of duty. This is an obvious principle of general acceptance in protectionist countries."

Further on, they say:

"We have recommended for instance that there should be as a rule no duties on raw materials similar considerations apply to the case of semi-manufactured articles which do not get straight into consumption, but are used in the process of manufacture of any industry in India. Any taxation imposed on such articles react on the industries which use them, and consequently will either injure those industries or will necessitate the imposition of some compensatory duty."

Also allow me, Mr. President, to quote another recommendation of the Cinematograph Committee. In paragraph 156, they say:

"There is however one tariff concession which we consider the producing industry can legitimately claim. Raw or virgin film is the raw material of the industry. It has been made clear to us that the production of finished films, especially of good films, inevitably involves a very considerable wastage of raw films. Raw film is not made in India, nor is it likely to be so made for many years."

This point is to be considered very seriously. Whenever we impose any taxation, the underlying principle should be to give impetus to the national indigenous industry. It has been recommended by this Committee that there is no possibility in the near future to manufacture raw films. At the same time, one can realise how important it is to encourage the film industry. The report then goes on:

"That the raw material of an industry should be free of duty is almost axiomatic. Imports of raw films into British India in the eleven months ending 29th February 1928 as reported by the Director-General of Commercial Intelligence and Statistics were valued at Rs. 4,93,238. The annual value may thus be taken as Rs. 5,38,000 on which the duty at the rate of 15 per cent. would be Rs. 80,700. We feel that the Government should be prepared to sacrifice this relatively small revenue. For the sake of administrative convenience and also for the reason that imports of non-standard cinematograph film cannot be considerable, we recommend that all classes of raw cinematograph films should be put on the free list of the tariff."

Then, Sir, the Honourable Member for Industries and Labour himself assured this House on a Resolution of Mr. Lalchand Navalrai which was moved on the 1st March, 1933, in the following terms:

"We are, in short, prepared to treat the Film Industry as a whole much as we have the broadcasting industry."

[Mr. D. K. Lahiri Chaudhury.]

I again earnestly appeal to the Honourable Member for Industries and Labour to extend towards this industry a little more sympathy. Sir, it can easily be said that this film industry plays a very important part for nation-building purposes. If this industry gets a little support from the State, I am sure, it will play an important part in the field of politics and economics and also in the field of society. I hope that the Honourable Member will deal with this Resolution very sympathetically and will help us to import raw films in this country free of duty. Sir, I support the Resolution.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, may I draw your attention to the noise caused by the aeroplanes. I am getting heart trouble and I am thinking as though the earthquake is coming. May I suggest that the Chair should ask the Government to instruct the Air Display people not to fly in aeroplanes over this House?

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I am thankful to you for giving me this opportunity of speaking after a long time. Sir, I beg to support the Resolution of my Honourable friend, Mr. Jadhav. 25 years ago, before the advent of cinemas into this country, magic lantern shows were considered powerful factors for the spread of knowledge and information. The film productions, taking their inception from the old magic lantern slides, have come to fulfil in a better and larger way the purpose served by the magic lantern. It is undeniable that with the rapid advance of cinematograph, the film industry is also making rapid strides. It has been found that as a mode of relaxation, as a means of recreation, as a source of information and as a medium for dissemination of knowledge, culture and art, film productions have come to stay with us. Our present civilization cannot do without them. If such be the state of things, it behoves the Government of the country that the film industry does not get any sort of discouragement at their hands. Raw films are essential for the production and development of indigenous film industry. If this point is conceded, the demand of my friend, that the present duty on raw (unexposed) films should be abolished for a period of 15 years, is quite reasonable and ought to receive whole-hearted support in this House. If the Government think that by accepting the proposal they will prejudice the public revenues, let them get that loss compensated by impositions on exposed films and re-export of exposed films. With these words, Sir, I accord my whole-hearted support to this Resolution.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I think the film industry in this country is much to be congratulated on the interest shown in its affairs by this Assembly. It was with distinctly mixed feelings that I received a week or two ago an invitation to be present at a Tea Party held within the sacred precincts of this House to inaugurate the establishment of a "Film Group". Sir, I rather shudder to think what is going to be the fate of the Members of the Treasury Benches if similar groups are established to look after the interests of other industries, and if we are attacked, for instance, by a "sugar-candy group" organised by my Honourable friend, the learned Doctor, by a

"hosiery group" organised by my Honourable friend, Mr. Ghuznavi, or by an "oil group" which, whoever leads it, will certainly not be led by my Honourable friend, Mr. Mitra.

Now, Sir, much of what we have heard in the course of the discussion this afternoon was said here almost exactly a year ago and I may, therefore, be pardoned if I repeat a good deal of what I myself said then. We have had again quoted against us this afternoon the recommendations or rather the views of the Fiscal Commission and of the Cinema Inquiry Committee that the raw materials of industries should be admitted free of duty. I pointed out on the first March last, that we accepted that view in the case of the cinema industry and that it has for a considerable time past been scheduled as one which is entitled to early relief in regard to its import duty on its raw materials. I said that we had it down for a long time past for consideration in that respect as soon as financial considerations permitted. I asked the House then whether, in its view, financial considerations did permit. I was speaking on that occasion a day after the Finance Member had painted the picture for last year. Today I am speaking a week or two before the Finance Member will be painting the picture for the present year. But I think the House knows as well as I do that I am not giving away any secrets when I say that the outlook for any reduction of the import duty on raw materials is not exactly hopeful. I said last year that the cinema industry was only one of many which had claimed relief in respect of its raw material, and that, although the amount involved in this instance might be small, when it came to giving equal treatment to all the industries which had made similar claims, the total amount involved would be very considerable. In those circumstances, I was unable to give the House any assurance that the cinema industry could expect any immediate relief. I am afraid, that is also my position today. I did, however, go on to offer what I hoped would be regarded as a small crumb of consolation and I said that we were prepared to consider the question of relieving the industry to the extent that we could recoup ourselves in respect of the drawback on films which are re-exported. I said that we would do our best, by going into the question of drawback, to see whether we could give relief to the industry. I attempted to make it clear that, if we found on looking into the drawback question, that we could recoup ourselves to some extent, we were prepared to pass on to the industry the benefit to that extent.

Mr. S. G. Jog (Berar Representative): A Bill has already been introduced.

The Honourable Sir Frank Noyce: That, Sir, is the point to which I am just coming. I gave the House an undertaking which I think has been fulfilled. We have gone into the question of drawback and a Bill is at present before the House in respect of it. I must honestly admit that I said last year that I thought relief might come within a few months, but it has, I fear, taken rather longer than I then anticipated. The House knows what our legislative programme has been, and will, I am sure, be prepared to agree that there has been some excuse for the delay. The extent to which we can honour the undertaking which I gave last year depends, I need hardly explain, on the fate of the Bill which is at present before the House. Of that, I am hardly competent to speak. On this side, we naturally trust that it will commend itself to the House and that its passage will not be delayed. As soon as it gets through, I and my Department, in

[Sir Frank Noyce.]

consultation with my Honourable colleague, the Finance Member, and his Department, will go into the question of the extent to which we can give relief to the cinema industry. I did, however, point out last year and I should like to reiterate the point today that there is not going to be a gold mine in this drawback. It must not be overlooked that, whatever rules are framed under the new Act, the question of the drawback on censored films will have to be considered. It does not appear equitable *prima facie* that censored films, which have to be re-exported and which have never been used in this country, should not receive a drawback of the duty which has been paid on them. My Honourable friend, Mr. Jadhav, who is a far greater expert in these matters than I am, can probably tell the House how great a proportion of the films which are re-exported consists of censored films. I do not think we have any particulars on that subject and it will not be until the rules have been framed and until we have had some experience of their working that we shall know exactly what the proportion is and the amount of revenue involved. All I can, therefore, say in reply to my Honourable friend is that we do propose to honour our undertaking of last year, that as soon as the Bill at present before this House goes through, the rules have been framed and some experience of their working has been obtained, we shall then see to what extent it is possible to do so. I trust that when this Resolution comes up again next year, as I have no doubt, in view of the activities of the Film Group, it will come up, even if we have been able to do for them something in the interval, for the Group will certainly ask for something more, I shall be able to say we have actually got a move on in the direction they desire.

Mr. D. K. Lahiri Chaudhury: Some times repetition makes a case stronger.

The Honourable Sir Frank Noyce: There is just one more point. My Honourable friend, Mr. Jadhav, although you, Sir, ruled his
 4 P.M. amendment on the subject out of order, said something about the question of remitting the duty on recording and projecting machinery. This is the first time that I have heard the contention put forward that machinery must be considered the raw material of industry. I think it would be a very dangerous argument to admit. In any case, I fail to understand how the import of projecting machinery free of duty would help the indigenous film industry in its competition with the foreign film as obviously both will have to be treated alike since projecting machinery can be utilised both for indigenous and foreign films. My Honourable friend has also, it seems to me, overlooked the question, in bringing forward this motion, of private films. There is no reason whatever why private films which are certainly a luxury should be admitted into this country free of duty. However that is not a point on which I need enlarge as I have dealt with the subject generally. I have shown that it is quite impossible for us in the present financial circumstances to accept the Resolution as it stands. I have endeavoured to explain to the House exactly what we are doing in regard to it. I rather gather from my Honourable friend, Mr. Jadhav, that he has really brought forward this motion in order to keep the subject alive in order to see that we do not go to sleep about it and I trust that, in these circumstances, he will be content with the assurance that I have given and will not press the motion to a division.

Mr. B. V. Jadhav: I regret that the statement I made here just now that the Indian films do not come into competition with foreign films was not explicit enough and, therefore, has left some misunderstanding in the mind of the Honourable Sir Frank Noyce. I have to repeat again that the clientele of the two films are quite different, the theatres are quite different and, therefore, the foreign film does not come in competition with the indigenous film and, therefore, any tax levied on the foreign film is no direct or indirect encouragement to the indigenous film industry. The question of the difference in languages has made it quite clear that the clientele of the foreign film which is mostly in English is the educated portion of the society; and, therefore, I again place before you that, in fact, there is no competition. The indigenous film industry ought to be encouraged, and I am very glad that the Honourable Member has again given expression to that idea. I am also encouraged by his assurance that he stands by the statement he made on the last occasion, but what chills my heart is procrastination. He will consider the thing when the Bill is passed and then the rules will be framed. We know how slowly or how diligently the rules are framed; they sometimes take a year or two to be framed and passed. So when the rules are framed, he will consider what relief should be given. It means that almost another year may pass before the film industry gets any relief. Although I say that this is not a very satisfactory state of affairs, I still welcome the assurance of the Honourable Member that he stands by the statement made on the last occasion and that he will try to give relief to the extent of the savings in rebates. I may also point out, Sir, that on the last occasion he said that the film industry would be treated on a par with the broadcasting industry, and, as in the broadcasting industry the Customs revenue is taken into account and taken as an income from the industry, so also I may bring to his notice that he should show the same consideration to this industry, and the Customs revenue derived from the articles that are used in the industry should also be given credit for when the question of relief to the industry is taken into consideration by him. With these words, I ask the House to give me leave to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* COMMITTEE OF ENQUIRY ON AGRICULTURAL DISTRESS.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, I beg to move the Resolution which runs thus:

"That this Assembly recommends to the Governor General in Council to appoint a committee of enquiry consisting of officials, experts and Members of the Assembly to enquire into the causes of the present agricultural distress and to devise means for improving the condition of landholders and peasants."

My Resolution is very simple and innocent. I want a careful investigation into the causes of the present agricultural distress and as to what are the means of improving the condition of the agriculturists and landholders. The Government, as they are responsible for looking after the interest of the masses of the country, should now tell us honestly and frankly that they do want to help the poor classes in this country. There is no reason why they should not accept the proposal we are putting before them, and,

[Rai Bahadur Lala Brij Kishore.]

if that is not done, the world would draw the conclusion that the Government are afraid that the facts brought out by this inquiry would be so bad and would so astonish the world that they would be afraid to face the world. Sir, if you think that it is a question of expense, what expense is there? It is a flea bite compared with the benefit that you will confer upon the country. I sincerely and honestly request Government to look upon this question with the eye of a humanitarian and not with the eye of a hide-bound official with his regulations, with the eye of a man who wants to do good to this country, to do good not only to the educated classes, but to the masses of the workers in this country. There is a great future for any man who takes up this question, and I appeal to Government not to forget their duty to their subjects. Sir, I beg to invite the attention of the Government to the great economic depression which has overtaken the country due to the fall in prices of agricultural products and the hopelessly low purchasing power of the agricultural masses. Sir, the purchasing power of the agriculturist is the real barometer which measures the rise and fall of the trade and industry of the country. Never in the history of India was the agricultural population so distressed, nor did it suffer so much as it has been suffering during the last few years, and they are quite incapable of paying their rents to their landlords. There is no doubt that Government have done a great deal to relieve them by giving them substantial remissions, but, in order to give them permanent relief, I am suggesting the appointment of a committee which may devise means to better their condition. Thus they shall become prosperous and, as a result, the financial condition of both the landholders and the Government will be better. So a little expense in this will be a sort of investment.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council to appoint a committee of enquiry consisting of officials, experts and Members of the Assembly to enquire into the causes of the present agricultural distress and to devise means for improving the condition of landholders and peasants."

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I am asked by my friend, Diwan Bahadur Sardar, not to speak for more than five minutes, and I hope I shall not exceed his time limit. I most heartily support this Resolution. Only I am not sure that these gentlemen, officials, experts and Members of the Assembly, are the correct lot in order to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the landholders and peasants. Most of these gentlemen do not know anything about agriculture, and that is the trouble. The cause of the present agricultural distress does not merely mean the decrease of the prices of agricultural products. The distress starts from the time you begin to prepare your field after the harvest. Then, slowly, step by step, the sowing and the transplanting starts. The wages that you have got to pay increase at every step, and when all these troubles are over and we have done our weeding, we look up to the sky and we also look up to the flood in places like mine where we live, and when all that is escaped, you come to the harvest time. And then there is the thief who begins his operations from the threshing floor. And when all that is escaped and we gather in something, what is the result? We do not get any prices. And there are

pious hopes and Resolutions and many things said about helping us with a marketing board, and, in the meanwhile, the railway companies go on merrily charging rates which are ruinous, and, by the time we settle with the middleman, the actual purchaser and the producer, there come the Government, the 10th of January is the last day, and if the money is not paid by the 20th, there comes the distress warrant. Things are really becoming very hard and, therefore, what I submit is this: I wholeheartedly support this Resolution and I do hope that the Government, in the interests of the country, will also support it and accept it and that they will include men who are connected with the land who do the actual work by their own exertions and not living elsewhere and merely getting the reports of their agents. If they include such men, I submit, the Government will not only be discharging their duty towards a large class of people—I believe it is 90 per cent.—but they will also ensure the easy coming in of their money. Within the next fortnight, immediately after the Budget is introduced, we will probably be treated to a lot of grievances on behalf of these agriculturists, and I assure the Government that if they only accept this Resolution in any modified form they like, the idea being that the cause of the agricultural distress must be found, and, when the cause is found, the remedy also must be found and applied: if they make up their minds to do that, they will help us a lot: it is no good flinging in our faces a lot of figures, pages after pages of printed statistics and averages and all that sort of thing: please do not treat us to any averages at all—I have already told the story of the man who got himself washed away in the stream by reckoning the average depth of the stream—we do not want statistics and we do not want averages and we do not want any pre-conceived notions. Let the committee go to the place where we are: let them take typical places, find out what the trouble is; we are prepared to place before them every information they want—not like what the Tariff Board complained about that when they wanted to investigate the textile industry, except a few mills the others declined to give any information—it is not like that: our information is open and the sun beats down upon it, and if you want any figures, we are quite prepared to give it; only I want a respectable number of people—I do not mean officials—to be associated in the inquiry. These officials merely sit in the corner of their pials—I am not drawing upon my imagination—and send up reports that at such and such a place the crop is fairly good or it is eight annas—it is never below eight annas although we know it is only four annas or less: you know how these reports are prepared: the village assistant sits on his pial—he had gone to the village once when the ploughing operations were on and it does not pay him to go and inspect the place every day in order to send in his report: as I say, he sits in the corner of his pial, takes hold of that form—the village accountant can beat hollow very many Finance Members here, because he is fully acquainted with every detail of the village, number and sub-division, holder and all that sort of thing—and proceeds to fill up “Survey No 432-C.—two acres and eight cents—paddy two acres, cholam four cents, and another thing three cents., and so on; and it goes to the taluk office where it is tabulated and goes to the district office and then to the Board of Revenue and then to the Government of India; and a huge book is printed by the Government of India, and then comes the Report of the Moral and Material Prosperity of India with a tremendous array of figures. Do not believe in all these things and figures: I respectfully appeal to my Honourable friend, Mr. Bajpai, not to trouble himself with these figures, but to give us a sympathetic reply that he will try his very best to constitute this committee as early as possible and give us some relief before the life of this Assembly expires.

[Raja Bahadur G. Krishnamachariar.]

One thing more: I have often said that committees are only round about ways of knowing exactly what everybody already knows. That is true; but then there are some things which, I find, in spite of our attempts, have not been brought to the notice of the Government and I should very much like that there should be a thorough inquiry into every detail to find out the real cause of the depression, for really we are in our last moments: a few years like this and there would be no more trouble: there would be no land revenue legislation in so far as this Assembly is concerned, and the Department of Land in the Government of India might just as well cease to exist. Therefore, Sir, I wholeheartedly support the Resolution.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): Sir, I have great pleasure in supporting the Resolution of my friend, Rai Bahadur Lalji Brij Kishore. I do not think there will be any dispute regarding the facts he has stated. It is a well known fact that the condition of the agriculturists is pitiable throughout the length and breadth of the country. As far as my Province is concerned, I can say without any hesitation that their condition is more than worse. If we go to any village, we do not find a single soul who is happy. As the time is short now, I think the Resolution should be put to vote as early as possible: therefore, I only support the Resolution wholeheartedly.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President, I understand, the nervousness of the House is owing to the fact that this is perhaps the last non-official day for Resolutions and that if this Resolution is not finished today, there will be no other opportunity for discussing this motion. Notwithstanding that I have ventured to get upon my feet, because I do not think Mr. Bajpai is going to place before this House any ready made solution of the very vast problem that has been raised by this Resolution. It is because I know that such a solution will not be forthcoming—and I hope that some consideration will be paid to this problem and some ideas relating to the difficulties will be placed before the Government—that I venture to rise in my seat and speak at this very late hour. I believe that this is the most important Resolution that has so far been tabled by the Non-Official Members and that has come up for consideration. It is a pity and it is in line with the tragedy of our circumstance that this Resolution should have been reached at this late hour and this House should be asked to disperse almost within five or six minutes before any adequate discussion of this Resolution can have taken place. But for the fact that the Chairman has already announced that the House will adjourn at 4-30 p.m., I would have begged of you to continue this till 5-30 p.m., so that we might have a more adequate discussion; and, if, by any chance that announcement of the Chairman can be varied by you, Mr. President, I am sure that all the Members of this House will welcome it. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair may inform the Honourable Member that it has been already announced that one more non official Resolution day will be allotted in March or April, so that, if the Honourable Members are keen on discussing the Resolution in detail, they can carry over the discussion.

Diwan Bahadur A. Ramaswami Mudaliar: Then I am very glad that I have had this opportunity, because I hope to carry over my speech

to the next non-official day when this Resolution will be continued. As I was saying, this is about the most important Resolution that has so far come up for discussion in this Assembly, and I do not want that the subject matter of this Resolution should in any way be complicated by considerations such as the world depression and all that it means. I think for the time being we may leave out of consideration the world depression and the general economic effect of that depression and consider the subject from the point of view of what can be done by this Government and by Provincial Governments, and of how relief can be given to the agriculturist, so that the prices of these food stuffs might go up. I hope also that the spokesman of the Government will not take their plea that this is purely a provincial subject and that it is for the Provincial Governments to come forward with suggestions regarding this matter. I see that latterly the Department, of which my friend, Mr. Bajpai, is the Secretary, has adopted the idea that in many of these matters a centralised agency is essential if co-ordinated effort should ensue for the benefit of the whole country. We have had the announcement, or at any rate, the proposal that a centralised health organization should be built up. A central co-operative credit organisation is also under consideration, and, I hope, from that point of view also, he will realise that with reference to this matter a central organization like the Government of India is in a better position to deal with this subject. Sir, before I proceed to deal with the Resolution proper, I should like to ask my friend, Mr. Bajpai, at what stage the informal Rice Conference which was convened last December is, and whether a meeting of that Conference will be held at an early date, so that the whole question may be considered with reference to that particular commodity. . .

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, the position as regards the Rice Conference is that, I circulated certain information which Honourable Members required, as soon as it became available, and I am now awaiting an expression of their convenience as to when they would like to meet in a conference.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I am very glad that the Honourable Member will avail himself of an early opportunity for convening that conference. I have been talking to some of the Members who attended the last conference, and I am in a position to state that the sooner the conference is held the better would it suit their convenience.

Now, Sir, with reference to the question that we are discussing, as I said, we should like to examine the question, not from the point of view of the world economic depression or from the point of view of the causes that have contributed to the fall in commodity prices all over the world, but from the point of view of the specific question which has arisen in this country. Take paddy, for instance. The yield of paddy has not increased enormously during the last say, ten years, and yet the price of paddy has fallen down to such an extent that agriculturists find it impossible to cultivate their land at any profitable rate at all; and they are finding it difficult even to pay their land revenue. I am afraid that by this Resolution we are thinking of other methods than the one hackneyed method which has been so much agitated, particularly in my Province, I mean the method of land revenue remissions. I have nothing to say against the agitation of land revenue remissions which has been carried on, and the Government of Madras have given remissions,

[Diwan Bahadur A. Ramaswami Mudaliar.]

though not to the extent that the people desired, but I venture to think that there is no use of stressing on that aspect of the case. I do not think that permanent relief can come to agriculturists if it is only given in the shape of land revenue remissions. Again, there is no meaning in merely agitating for salary cuts. To my mind, I think it is moving in a vicious circle. The more the purchasing power of the community will be reduced, the more will be the fall in the commodity prices. . . .

Mr. N. M. Joshi (Nominated Non-Official): Hear, hear.

Diwan Bahadur A. Ramaswami Mudaliar: My friend, Mr. Joshi, says "Hear, hear". I do not know whether his cheers are ironical or genuine

Mr. N. M. Joshi: They are genuine.

Diwan Bahadur A. Ramaswami Mudaliar: I am glad that they are genuine, because I do venture to put forward as a sound economic proposition that mere salary cuts in themselves will be no panacea for this evil at all; on the other hand, it may easily aggravate the evil, whether it is in industries, in the wages paid to the labourers, or to the small paid Government servants. It will mean that there is less purchasing power, and the fall in commodity prices will be greater than. . . .

Sardar Sant Singh (West Punjab: Sikh): What is the proportion of the salaried people to the general people living in India?

Diwan Bahadur A. Ramaswami Mudaliar: It is not a question of proportion between the two at all. It is a question of circulation of money, it is a question of infusion of purchasing power into the community, and my friends will realise that in other countries a situation like this has been met in some cases at least by increase in the salaries, while, in other cases, certainly, by putting forward what are called programmes of re-construction and large capital programmes. What is the meaning of a capital programme being taken up? Because of the fall in commodity prices, the idea is to pay more salaries to the people, to employ a larger number of workmen, to infuse greater purchasing power into the community, to pay salaries all round, not to the old servants only, but also to new servants, to get into existence a larger number of salaried people who, in their turn, will put that purchasing power into the economic life of the country and thereby, to a certain extent, enable the commodity prices to go up.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): But at the cost of the masses.

Diwan Bahadur A. Ramaswami Mudaliar: I do not know whether you will allow me to proceed now. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till tomorrow morning at Eleven O'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th February, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 15th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE INDIAN TARIFF (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Indian Tariff (Amendment) Bill. ‘

(Mr. A. H. Ghuznavi was not in his seat when called on to move amendments Nos. 4 and 5 on the List.)

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move:

“That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 43-D (2), for the words ‘ten annas per dozen pairs’ the words ‘six annas per lb.’ be substituted.”

The object of this amendment is practically the same as the one I moved last time, that the incidence of taxation should be by weight and not by number. I suggest, it is more or less a corollary of the one I moved day before yesterday and which was defeated. Whatever arguments I advanced on that occasion will have to be repeated on this occasion also, but I do not propose to do so. The item, as it is, will apply to children’s socks and grown up men’s socks, and it will probably be more convenient if we adopt either weight or gradation in sizes. I notice that, in regard to certain other articles, there is a graded duty according to the sizes, but, in this particular case of socks, there is no graded duty. That means that children’s socks which are very small will be taxed in the same manner as the socks of grown up men, and I think that is rather unfair. I, therefore, suggest that we should adopt either weight, in which case all of them will be treated alike, or we should adopt number in which case we will have the graded system. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

“That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 43-D (2), for the words ‘ten annas per dozen pairs’ the words ‘six annas per lb.’ be substituted.”

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): I will follow my Honourable friend's footsteps and say that the arguments I used on the last occasion are equally applicable to this occasion. I have nothing further really to add to what I have already said and I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in amendment No. 6, in the fourth column of the proposed Item No. 43D(2), for the words 'ten annas per dozen pairs' the words 'six annas per lb' be substituted."

The motion was negatived.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, I move:

"That in the Schedule to the Bill, in amendment No. 18, under the proposed Item No. 184-A, the following be added:

(2) Domestic hollow-ware, the following, namely, basins, bowls, dishes, plates and thalas, including rice-cup, rice-bowls and rice-plates—	(i) having no diameter exceeding 19 centimetres.	30 per cent, or per dozen four annas plus one anna for every two centimetres or part thereof by which any diameter exceeds 11 centimetres, whichever is higher.	20 per cent. ..
(ii) having any diameter exceeding 19 centimetres.	(i) having any diameter exceeding 19 centimetres.	30 per cent, or per dozen eight annas plus two annas for every two centimetres or part thereof by which any diameter exceeds 19 centimetres, whichever is higher.	20 per cent. .."

I submit that this amendment is the acid test of the sincerity of the House whether they will support Indian industries or not. In order to give direct proof to the House, I have brought these plates before the House so that Honourable Members may test their quality for themselves.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I rise to a point of order. Is it in order for an Honourable Member to bring big sized goods which they get as free samples and display them on the floor of the House as an advertisement? Those of us who have not got the samples are unable to appreciate the point. For instance, the other day we had the Khaddar (Protection) Bill, and would it have been in order for me to bring *khaddar dhoties* before the House

and place them before Honourable Members, and will it be in order for my Honourable friend, Mr. Mody, to bring in a big pile of woollen goods and display them before the House? I want a ruling on the point.

Mr. D. K. Lahiri Chaudhury: This is not a big thing; it is a small douche can. It will certainly be very useful to my Honourable friend, Mr. Gaya Prasad Singh. I have brought these articles before the House in order to show the difference between Japanese goods and Indian goods. This morning some delegates came from Calcutta in the name of consumers and I am told they were received at the station by some of their Japanese friends. But that does not affect my argument. These are articles which can easily be used by the poor people. This is Japanese and this is Indian, and I can show a number of other things also where the Indian goods are superior to Japanese goods in respect of quality, durability, and so on. The Honourable the Commerce Member has made the position clear that this Bill is intended only to restore the parity of price which existed in 1931-32. I take the figures of 1931-32. The price of Japanese rice cups was Rs. 2-6-0 per dozen and that of Indian rice cups was Rs. 2-4-0, that is two annas less. And if you compare the quality and durability of the two, you will find that, while Japanese articles will last for only six months, the Indian articles will last for ten years, if properly used. Whenever we come to this House, some of us preach for the consumers, some of us preach for the producers, but I am one of those whose first and foremost duty is to support Indian industry in whatever form it is, and I have got a legitimate ground for that. The total consumption of these articles is valued at about Rs. 32 lakhs, out of which Rs. 10 lakhs worth is manufactured in India. Mr. Hardy himself went down to Calcutta and saw these enamel factories and he was convinced that this industry should get legitimate protection, because, for practical purposes, these are really Indian concerns with Indian capital and Indian labour. It is not merely a Calcutta business, it is spread over all parts of India. In 1920, these factories were started.

Mr. A. H. Ghuznavi (*Dacca cum Maimensingh: Muhammadan Rural*): Where?

Mr. D. K. Lahiri Chaudhury: In Bengal. The Bengal Enamel Works, Limited, was started by Professor D. Bhattacharjee with a capital of Rs. three lakhs subscribed entirely by middle class Indians, Hindus and Muhammadans. I hope that my Honourable friend, who has been so keen on hosiery, will take some interest in Indian articles too. Muhammadans also have invested their money in it. (*In Honourable Member.* "Don't make any difference.") I say that because my Honourable friend put me a question and I say that these factories are owned both by Hindus and Muhammadans—Indians.

The Sur Enamel and Stamping Works, Limited, started by Mr. Sur, is a private limited concern which has invested rupees two lakhs in this enterprise and can further invest double this amount if demand arises. They were followed by the Empire Enamel Works started by Muhammad Abdul Karim who got his training in the Bengal Enamel Works, Limited. The Imperial Enamel Works and the Enamel Manufacturing Company were started by Mr. S. L. Bannerjee who was trained in Japan.

[Mr. D. K. Lahiri Chaudhury.]

In Bombay. To serve the Bombay and Karachi markets, a well-equipped enamel factory has been started at Oglewadi near Poona with an investment of over a lakh. Movements were afoot to start a factory in Bombay, but which have been suspended in consequence of the present crisis.

In the Punjab. Upper India can boast of the Pioneer Enamel Works at Amritsar with an investment of about a lakh of rupees and J. H. Johnson and Co.'s Enamel Factory owned by a Nawab at Aligarh.

In Burma. Rangoon too started a factory on a fairly large scale about three years ago.

The total capital invested in the enamel industry is well over Rs. 10 lakhs and the total output in 1932-33 was approximately Rs. 10 lakhs. That is to say, one third of the demand is manufactured in India, but the whole demand can be met if the industry gets a little protection. I ask Honourable Members whether they are going to give temporary relief from Japan or permanent relief. To my mind this industry can be made entirely self-supporting and made to stand on its own legs. If they are given a little protection, they can produce their articles at the same rate as Japan. It may be said that by this method you will raise the price in India by giving a monopoly to these indigenous manufacturers. That is not the case. If they get protection, they can produce their articles cheaper than they do now and they can reduce their prices.

There is one other point. Out of the total import of 22 lakhs, 11 lakhs or nearly 50 per cent. goes for other purposes, such as photography sauce pans and other things. Only 50 per cent. constitutes the poor man's consumption. I am sure, that, if this House gives protection, the industry will be self-supporting and, after three or four years, they will be able to meet competition from other countries. I hope the House will be convinced of my arguments. I am speaking in favour of India and Indians alone. I hope the House will support my amendment wholeheartedly. I am glad that it was inserted in the original Bill, but it has been deleted by the Select Committee. I do hope that the Members of the Select Committee will take up this matter seriously, because this question affects the poor man very much. The provision in the original Bill was sought to be deleted on the ground that the local manufactures do not meet the whole of the demand and it was defeated by one vote. I now learn from my friend, Mr. S. C. Mitra, that he is convinced that the provision ought to be re-inserted. He has already made his argument in the consideration stage, and this article ought to get the support of this House. If it does not, what will be its effect? This industry will be ruined. There are other articles which are used for very reasonable and useful purposes, in hospitals, and so on. If this industry is protected now, the consumer will be able to get his things much cheaper in the long run and they will last for a longer time. I hope the whole House will support my amendment and give encouragement to the industry in India.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would like to announce that it strongly deprecates the practice of producing exhibits on the floor of the House. The Chair did not want to prevent the Honourable Member from doing so before giving due notice. The Chair does not propose to allow this practice in future.

Amendment moved:

"That in the Schedule to the Bill, in amendment No. 18, under the proposed Item No. 184-A., the following be added :

(2) Domestic hollow-ware, the following, namely, basins, bowls, dishes, plates and thalas, including rice-cups, rice-bowls and rice-plates—			
(i) having no diameter exceeding 19 centimetres.	30 per cent. or per dozen four annas <i>plus</i> one anna for every two centimetres or part thereof by which any diameter exceeds 11 centimetres, whichever is higher.	20 per cent.	..
(ii) having any diameter exceeding 19 centimetres.	30 per cent. or per dozen eight annas <i>plus</i> two annas for every two centimetres or part thereof by which any diameter exceeds 19 centimetres, whichever is higher.	20 per cent.	..,"

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhamadan Urban): The amendment is very simple and can be supported very shortly. The Government got, when they introduced the Bill, that it was an industry which deserved the same treatment as many other minor things that had been included in the Bill. The Select Committee, for reasons which it has not made very clear, have deleted this amendment. The only reason that the Select Committee have put forward is as follows:

"We have, however, omitted sub-head (2) of the new Item No. 184-A., dealt with by Item 18 of the Schedule, because, in respect of the articles specified therein, which are articles widely used by the poorer classes, we are not satisfied that the circumstances justify the increase of the duty proposed."

I do not think this is an adequate reason at all. If you go through the Bill, Mr. President, you will find that there are many other articles which will come under the same inhibition, and, if this principle is applied to this particular thing, on the same analogy and on the same ground, many other Items in the Bill can be deleted. For instance, the hosiery about which Mr. Ghuznavi was talking the other day. I do not think that this is an argument which can be advanced at all for omitting this Item from the Schedule. The Government, after careful consideration, I take it, thought it fit to incorporate this particular article also in their proposals and I venture to think that no reason has been put forward by the Select Committee why this particular thing should be omitted. It is true that these articles are used by the poorest classes as Mr. Lahiri Chaudhury has pointed out. In the long run, they will be the people who will benefit by the promotion of this particular Indian industry and, what is far more important, it will encourage the production of a class of articles which will be more durable and last for a longer time than

[Diwan Bahadur A. Ramaswami Mudaliar.]

these articles. I think, therefore, that the original proposals of the Government should be re-incorporated and I strongly support this amendment.

Mr. F. E. James (Madras: European): I should like to support the amendment, but I do not want to traverse the ground that has been covered by my friend, Mr. Lahiri Chaudhury, or the Diwan Bahadur. There is, however, one point on which I want to elicit information from the Government Members and that is as to the particular reasons which moved them to remain neutral on this subject in the Select Committee. I understand that this Bill was drawn up and its provisions arranged after an inquiry—an inquiry into the applications received for protection under the Safeguarding of Industries Act, and an inquiry conducted by, I believe, the President of the Tariff Board and the Director-General of Commercial Intelligence; and I understand that the results of this inquiry, where Government felt that they were justified, appeared in the Bill as it was originally produced before the Select Committee. Therefore, presumably this particular industry made out a *prima facie* case for protection under this Bill and this provision was included in the original Bill. Now, I can perfectly well understand Honourable Members of the Select Committee, who had not had the advantage of the information which Government had in making their inquiries, coming to a different conclusion in the matter, and I can quite appreciate the difference of opinion on the point, but I find it a little hard to understand the reason which led the Government Members themselves to remain neutral. I can appreciate the view that they felt that the result of the inquiry was not such as to justify putting this item in the Bill as originally published. But presumably they were satisfied, although they may have been satisfied by a very narrow margin, that there was a case here for protection; and, therefore, we should like to know why the Members of the Government on the Select Committee, in view of that, apparently modified their opinion and remained neutral in the Select Committee. We raise this point, because we feel it is an important point in view of the large number of tariff inquiries now proceeding, and which are likely to fructify in legislation. We feel, if Government are going to proceed with tariff legislation, it is most important that their inquiries in the first instance should be thorough and that they should, as far as possible, satisfy themselves, on those inquiries, before coming to their conclusions in regard to the legislation they put before the House. Either this point was not fully considered, or, if it was fully considered, it should have been left alone in the Bill by Government and they should not have remained neutral. Probably there are very adequate reasons for this procedure, but it is a procedure which has given us some uneasiness and we should very much like to hear from Government as to the reasons why they changed their minds.

Dr. Ziauddin Ahmad: Sir, I entirely agree with the argument brought forward by my Honourable friend, Mr. Lahiri Chaudhury. I said openly before and I repeat again that I am a protectionist and I will always support a Bill which really aims at protection, but we should consider the measure in a different spirit if it is not really intended for affording protection, but for raising the price level. If a particular industry could be protected under any excuse whatsoever, I would strongly support it provided certain conditions are satisfied, and one of them is that that industry should be in a position to stand on its own legs. That is one very

important condition. We must clearly understand that we are going to tax the consumer for the benefit of an industry which is likely to stand on its own legs. Then the industry should be fairly advanced, and we should also try to remove uneven competition. So far as the principle is concerned, I entirely agree with my Honourable friend, Mr. Lahiri Chaudhury, but I regret I do not agree with him when he begins to quote figures, because my figures, which I shall now quote, are quite different. Of course Government have got the correct figures in their hands and they are in a position to understand the position better. That is why we removed this particular Item in the Select Committee. Now, Mr. Lahiri Chaudhury said that there were five factories whose capital was Rs. seven lakhs in Calcutta and that there were two factories in Upper India—one at Aligarh and one at Amritsar—whose capital was Rs. two lakhs,—that is, a capital of nine lakhs altogether. I know the factory at Aligarh very well, because I have the first-hand information, and I find that the Johnson Company has now been purchased by Nawab Sir Muhammad Muzam-milullah Khan. They only make sign-plates, not enamelled articles. I have the figures before me for different classes of enamelled articles. This is their monthly output. Sign-plates worth about Rs. 10,000 a month are made. New hospital requisites, Rs. 1,500, and domestic hollow-ware Rs. 1,500. Total output, Rs. 13,000, of which Rs. 10,000 are the sign-plates. Now, since the production of the second and third of the above items are very small we excluded them altogether, because they could not immediately stand on their own legs. But the position of sign-plates is different from that of other enamelled articles. We report on a specific duty on sign-plates and it is there. The Select Committee has not removed it, the other articles which we produce, according to my information, come to about Rs. 3,000 a month only.

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban): Why is it so low? Why don't they make more?

Dr. Ziauddin Ahmad: That is a point which I cannot answer . . .

Sir Cowasji Jehangir: Can they make more?

Dr. Ziauddin Ahmad: I have just given what the figures are, and, if my figures are incorrect, I hope the Government will correct those figures.

Mr. N. M. Joshi (Nominated Non-Official): May I ask a question, Sir? We have been supplied with some statistical information. I do not see any information on this question at all in that paper. Will Government kindly state if there is any information given on this point at all? We have been supplied with some information, and we cannot really find what the figures are.

Dr. Ziauddin Ahmad: Sir, I noticed that the total import was Rs. 22,87,550 in the year 1932-33 and the total consumption was Rs. 24,43,000

Mr. S. O. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): How did you get the other figure?

Dr. Ziauddin Ahmad: Therefore, according to my calculation, only six per cent of the total consumption is manufactured in this country and 94 per cent. is imported from outside. My friend, Mr. Lahiri Chaudhury, said, about one-third was manufactured in this country and two-thirds were

[Dr. Ziauddin Ahmad.]

imported from outside; but, as I have shown, there is an enormous difference—between six per cent. and 83 per cent. So, if my figures are correct, if this particular industry is such that we are making only six per cent. of the total consumption and are importing 94 per cent. from outside, I ask, whether the time has arrived when we ought to protect this particular industry. The case of sugar is different, because we knew that in that case it was given for the benefit of agriculturists. In this particular case, agriculturists are not being benefited, but some work may be provided by town labourers. Had the industry been progressing sufficiently high, there was some point in giving it protection. I do not see in what way this industry could stand on its own legs. Besides, what material is before us to show that if this particular duty is levied, this industry will at once jump up from six per cent. to 100 or even something approximate to it. I myself said in the Select Committee that this industry, on account of a very low protection of six per cent. was not likely to stand on its own legs. If, however, the Government, from their own information, can say on the floor of the House that they have got a larger output to such an extent that they can immediately capture the whole market, then the position would be changed. Still, the Government ought to make out a case in this particular connection. Of course, the amount of the duty that was proposed in the old Bill worked up to something between 84 per cent. and 125 per cent. *ad valorem*. Therefore, we thought that a sudden jump to this figure from 30 per cent. could only be called a protective duty and it could only be given if the industry was able to stand on its own legs. Therefore, if the protective duty is to be raised from 30 per cent. to about three or four times, then we ought to be convinced that the industry is already there. There is already good work going on, and, with this little aid, the whole thing will flourish. As I said, my information is that a major portion of this enamel work in the various factories is confined to the making of plates. If the industry could be made to stand on its own legs and the conditions are to be satisfied as to the profit making and also the position of the consumers is kept in view, then I have no objection to raising the duty. But I would request that it should be put in a class by itself. Government should come forward and say that they want to protect this particular industry and make out a case accordingly and I will then vote for it with both hands. But the fact of the matter is that the capital of all these factories does not come up to more than nine lakhs and they are doing other business as I find definitely about Aligarh. I should like to know as a business proposition whether by investing a part of our nine lakhs we will be in a position to produce articles worth about 24 lakhs. Therefore, in this particular case, so far as the principles are concerned, I am absolutely in agreement with Mr. Lahiri Chaudhury, but I regret to say that the figures which I have got entirely differ from the figures which he has given. My figures show that the output at present, excluding the plates, is only six per cent. If the Government can make out a case for this particular industry, then we will probably consider the position.

Mr. N. M. Joshi: Mr. President, I find it very difficult to follow the discussion that has been going on. I have experienced difficulty in connection with this Bill from its very inception. I raised the point that the House should be given sufficient information to be able to judge of this question intelligently. On account of my representations to the

Honourable Member in charge of the Department, he was good enough to circulate some information among the Members. I am very grateful to him for circulating that information. Unfortunately, I find that the information regarding this item is not there. Now, before I deal with that point I would suggest to the Government of India that, while we are very grateful to them for supplying the information which they have given, they should give us a little more information about every industry which is to be protected. We should know what capital is invested in that industry; we should know how many people are working in that industry and also something about the prices. Besides that, I want really to raise a constitutional question. It is the practice of the Government of India to supply information to the Select Committee while they sometimes omit to supply the same information to the House. I should like you, Mr. President, to consider this question very seriously whether it is right to supply information to a Select Committee and then not supply it to the House? The duty of the House is to judge of the report which the Select Committee makes. If the House is not in possession of the information on which the Select Committee itself has based its judgment, how is the House to decide? In this connection, I would like to draw your attention to the practice in the House of Commons. In the House of Commons, the meetings of the Select Committee are generally open to the public. There are two parts of a meeting of a Select Committee. The first part consists of receiving information and this part of the working of the Select Committee is open to the public. If the Select Committee takes evidence, it is published for the benefit of the public and not only of the House. The proceedings of the Select Committee, when they discuss among themselves as to what judgment they should pass on the information before them, are not published. I would like you, Mr. President, to consider whether we should not adopt the procedure of the House of Commons. I have noticed this practice of withholding information not only on this occasion, but on previous occasions also. The Reserve Bank Joint Committee examined certain witnesses and the House did not know anything as to what the witnesses said. In my judgment, this is an undesirable practice. Unfortunately our standing rules do not make any provision as to whether a meeting of the Select Committee, when it takes evidence, should be open to the public or not. But we shall have to start a practice as our Select Committees have already started the practice of hearing witnesses. My suggestion to you, Mr. President, therefore, is that whenever a Select Committee receives information, that information should be received in public and that information should be available not only to the Members of the House, but also to the public as a whole. The Select Committee should be at liberty to meet in private to discuss things amongst themselves and to come to certain judgment. I, therefore, feel that you will seriously consider this question and tell us at your leisure when you decide on this question what procedure we should follow in this connection.

Mr. S. C. Mitra: Sir, I support the motion of my Honourable friend, Mr. Lahiri Chaudhury, and I further owe it to the House to explain the position that some of us took in the Select Committee on this question, as we were not provided with all relevant facts as regards prices. So far as Government are concerned, it must be said that they acted very fairly. They left it to the Select Committee to decide, and Government Members remained neutral. It was there that this particular clause was

[Mr. S. C. Mitra.]

deleted. We wanted in the Select Committee some figures about the prices of the Indian goods of the same standard as compared with Japanese goods. What weighed most with some of us was the quality of the thing, because cheapness ultimately depends upon duration. I shall presently show that though the Japanese articles are supplied at two pice less, yet the Indian goods are at least twice as durable compared to the Japanese. My Honourable friend, Dr. Ziauddin Ahmad, said that he would vote with us provided we could show him that Indian production was not as low as six per cent. of the total Indian consumption. Other Honourable Members like my friend, Mr. Joshi, also complained about the statistics. In the Select Committee, we had some figures, and if my Honourable friend, Dr. Ziauddin Ahmad, had only applied his mind to the figures supplied to the Members in the Select Committee, he would have been satisfied. I am referring to the statistical statement in respect of commodities which have been the subject of safeguarding application. On page 24 of this statement, it will be found that in 1930-31, the total import was 23·64 lakhs, and if we go into details, the total hollow-ware 11 lakhs, hollow-ware for other uses than domestic 2 lakhs, advertisement 12·5 and miscellaneous 11; while during that year the Indian production was seven lakhs, of which advertisement was responsible for three lakhs, hollow-ware articles 3·5 and hollow-ware for other classes 5. In 1931-32, the total import was 15 lakhs, Indian production was 12·5 lakhs, advertisement 3·5 and hollow-ware used by the poor eight lakhs and miscellaneous one lakh. In 1932-33, the total import was 22·87 lakhs, the Indian production 10 lakhs, of which advertisement was eight lakhs; only rupees fifty thousand was for hollow-ware for the poor, and other classes 1·5 lakhs. From these figures, it will be clear that in 1931-32, India produced as much as 12·5 lakhs, out of a total consumption in India of about 32 lakhs. If we go into details, we find that due to the Japanese competition, the condition has become very precarious; the total production in 1932-33, when the competition was prevailing in its abnormal condition, the total Indian production was 10 lakhs, of which advertisement was eight lakhs and only fifty thousand rupees worth of hollow-ware were produced as against eight lakhs in the previous year. It will be clear to anybody how ruinous has been this competition. This industry has now got its home in Bengal, Bombay, the Punjab, the United Provinces and Burma. I cannot understand how my Honourable friend, Dr. Ziauddin Ahmad, could argue that because the capital of the company was five or ten lakhs, it was not possible for it to produce articles worth more than its capital. I think it will be better if any Honourable Member, belonging to the business community, could explain to the Doctor that even if the capital for this industry is not very great, yet, with the help of a large amount of labour and quick turn-over, this can certainly produce articles worth much more than its capital. In the Select Committee, we did not know the comparative prices of the articles. Now, I have gone through this question very carefully and, speaking for myself, I am satisfied after enquiry that our Indian industries, if they get a run for five years, will be in a position to entirely replace all the imports. That is the ground which strengthens me to revise my opinion. I strongly hold the view point of the consumers. I know that even a difference of two pice, apart from the quality of the article, is a burden on the consumer. But when I compare the two articles, the one produced by the Indian manufacturer, and the other by Japan, I find that the

Indian article is far cheaper in the real sense of the word. Just now my Honourable friend, Sir Cowasji Jehangir, suggests to me to refer to the case of cotton mills with a capital of 12 lakhs being able to produce goods worth more than half a crore. I think my Honourable friend, Dr. Ziauddin, will take this information specially as it comes from a businessman like Sir Cowasji. I claim that I have examined this question from the poor man's stand-point as well and I am fully convinced of the excellent durability of the Indian article as compared with the Japanese article. Particularly, as far as my Honourable friend, Dr. Ziauddin Ahmad, is concerned, I think I have now convinced him that more than 30 per cent of the total consumption in India is produced in India and as my Honourable friend said that he would agree to this amendment if he were satisfied that more than six per cent. of the articles were produced in India, and now that his conscience will be satisfied, I hope he will vote for the amendment. On these grounds, I support the motion of my Honourable friend, Mr. D. K. Lahiri Chaudhury.

Mr. A. H. Ghuznavi: Sir, it is very difficult for us to come to any conclusion as to what we are to do and what we are not to do. Here, for the first time, I get some figures from my Honourable friend, Mr. Mitra. Another set of figures has been given to us by my Honourable friend, Dr. Ziauddin Ahmad. Some very useful particulars have also been given by my Honourable friend, Mr. James, who perhaps was in the know of the Government, and so he gave us the whole history as to how this item came into this Bill. We had no information whatsoever when we were discussing this matter, excepting this, that they applied for protection and that protection was needed owing to the depreciation of the yen. As regards protection to the industry . . .

The Honourable Sir Joseph Blore: Did my Honourable friend not read the figures in the yellow book that was supplied to Honourable Members?

Mr. A. H. Ghuznavi: The Honourable the Commerce Member asked me if I have not read the figures, but will my Honourable friend tell the House as to when this book was given to us? It was given two hours before we sat in the Select Committee. How does he expect us to come prepared for the Select Committee . . .

The Honourable Sir Joseph Blore: To the best of my recollection, this was not discussed on the first day on which we sat. It was discussed on the second day on which we sat. My Honourable friend, therefore, had more than 24 hours in which to read it.

Sir Cowasji Jehangir: Mr. Mitra had these figures, why could not you? You were a member of the Select Committee.

Mr. A. H. Ghuznavi: Mr. Mitra has said on the floor of the House that he did not read those figures, otherwise he would not have voted to turn it down. He had satisfied himself afterwards. That is what he has said.

Mr. S. C. Mitra: What I said was about the comparative prices of the Japanese and Indian goods. That was the point I made.

Mr. A. H. Ghuznavi: How does the comparing of prices help us? I want to be satisfied on the following points. Is the industry an established one? Is the industry established throughout India? Can it supply the demand of the whole of India if a reasonable protection for a definite time is given? Has that been gone into by any inquiry? We are penalising the consumers, and giving protection without any inquiry and without satisfying ourselves whether this is an established industry or not, and whether it can, in a reasonable time, supply the demands of India at a reasonable and competitive price. We are told that there is a factory in Calcutta. Today we hear that there is one in the Punjab and one in the U. P. We have no knowledge as to what they manufacture and we have no figures to go by. Certainly give them this protection if they can prove that the protection should be given. Have an inquiry now, let them ask for an inquiry and let there be a complete report before this House. What is the hurry?

Sir Cowasji Jehangir: What were you doing in the Select Committee yourself?

Mr. A. H. Ghuznavi: I have turned it down, because I had no information to justify its retention.

Sir Cowasji Jehangir: Because you did not read what you were given?

Mr. A. H. Ghuznavi: Because you were not here to help me, that is the trouble. Sir, this is a very novel way of doing things. An industry applies for protection. No investigation has been made and nothing is known to the House. So far as I am concerned, it appears to me that when we said that this should be excluded, Government remained neutral. I thought there must have been a certain amount of justification. The inquiry is not sufficient. If Mr. Lahiri Chaudhury wants it, let them ask for an inquiry and let there be a complete inquiry. Let there be a report before this House and then we will know what to do. I shall be prepared to give you protection if you can fulfil this condition that I want, namely, prove that it is an established industry, that it can meet the full demand of India within a reasonable time, at a reasonable and competitive price, and that it is efficiently managed. We are not going to give protection to perpetuate inefficiency. If these things are established, you will certainly have the protection that you want. Sir, I oppose this motion.

Sir Leslie Hudson (Bombay: European): Sir, I just want to say one or two words in support of the point put forward by my Honourable friend, Mr. Joshi, about the circulation of the information with regard to this Bill. This yellow book has been placed in the hands of certain Members of this House and members of the Select Committee. Some have read it and some apparently have not and the latter are perhaps unfortunate in not having the information which they would have obtained if they had read it. However, my point is to support Mr. Joshi's contention that those particulars should be supplied to the whole House. In the final event, the whole House is the Judge in this matter and I think they should have full information before them.

Mr. President (The Honourable Sir Shanmukham Chetty): So far as the point raised by Mr. Joshi is concerned, the Chair will look into the matter carefully and see what should be the best course to meet the convenience of Honourable Members.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, I, as a member of the Select Committee, opposed the deletion of that clause and I have appended a minute of dissent in the report. My minute will show that there are sufficient materials before us to form a decision. I say:

"On the statement made on behalf of Government in the Select Committee, there appears to be every prospect of the present annual output (namely, goods worth 4½ lakhs) being multiplied about four times if the protection as proposed in the original Bill were to be given."

This statement was made by the officer of Government who himself inquired into this question and whom Government deputed to make the inquiry. For this purpose, I may remind the House that the Honourable the Mover of this Bill in his speech stated this:

"As the result of a very careful examination conducted by the President of the Tariff Board and by Dr. Meek, the Director General of Statistics, we came finally to the conclusion that the industries which are dealt with in this Bill had made out a case for immediate action under the Safeguarding Act while other applicants had failed to make out a case for emergency action. This Bill, Sir represents the conclusion we then arrived at."

So I do not understand the grievances of the Members who have spoken against the motion moved by my Honourable friend, Mr. Lahiri Chaudhury. There was a statement made by Dr. Meek who was present at the meeting of the Select Committee, and Mr. Hardy, who is now here, also explained that he had personally inquired into the matter and went to the factories to see the conditions there. In these circumstances, it came to me as a surprise that some of the members of the Select Committee, a majority of them, not being Government members, without any inquiry into the matter, voted against it. Sir, I fully support the amendment moved by Mr. Lahiri Chaudhury, and my reasons are various. First, I am personally convinced, although it is not necessary for me to say so, that there is an industry and an established industry in this country which can produce, if sufficient time is given, enough to meet all the requirements of this country. As Mr. Mitra pointed out, the things are cheaper than Japanese ones, because the price and durability, if you consider them, will show that in the long run these wares are very much cheaper,—practically half the value,—than the Japanese wares. Secondly, there is another cogent reason. I have now come to know how these things are imported so cheaply into India. These articles practically come duty free from Japan, and, not only duty free, but the duty paid on articles, from which they are made, is refunded to the manufacturers of this class of goods for the purpose of competing with foreign countries. Here these manufacturers make their wares from 24 gauze steel plates manufactured by the Tata and Company. They sell the wares in Calcutta exactly at the same rate at which the duty paid articles from foreign countries are sold. In Japan, they have got about 250 or 300 per cent. duty against sheets manufactured in America which they use, namely, 32 gauze, but, when these

[Mr. S. C. Sen.]

sheets are manufactured into articles, they not only send them out here duty free, but also refund the duty which those manufacturers paid when these sheets came into Japan. So there was practically a bounty given by the Japanese Government, and I do not see why our Government should not foster this industry and do the same. In any case, they can raise the duty which they are going to put on this, and it is high time that this should be done. With these remarks, I support the motion of my Honourable friend, Mr. Lahiri Chaudhury.

Major Narvab Ahmad Nawaz Khan (Nominated: Non-Official): Sir, in supporting this amendment, moved by Mr. D. K. Lahiri
12 Noon. Chaudhury. I wish to say a few words. I have sympathy with Japan, but I think legally, politically, socially or morally we are not under so much obligation to Japan that we should sacrifice the interests of our own country. We as Indians should have regard first for Indian interests and we should safeguard Indian industries. As Members of the Indian Legislature, it is our primary duty to look after the interests of India and other interests afterwards. We must give full attention to our interests first—I mean all Indian interests, agricultural, industrial, etc. In this connection, if anything is to be said in favour of Japan, it is only the cheapness of the article from the poor man's point of view. But I support this amendment, because it is in the interests of the poor man not to have very cheap things which he has to purchase many times over rather than a slightly more expensive thing which will last long. It is the experience of wise men in all countries that the best is the cheapest. We have to see in the interest of the poor man himself whether it is good for him to purchase these cheap things which do not last long or things made in our own country which are a bit more expensive, but which last long and for which he need not spend money many times throughout the year.

Dr. Ziauddin Ahmad has very rightly and wisely said that he is ready to support such Indian industries which can stand on their own legs. But now the question is how are these industries to stand on their own legs if we do not encourage them, help them, and support them? We are here primarily to encourage our own industries; and we all know that when a small baby begins to walk, he often falls and the parents have to help him in many ways and for a long time. Similarly, these industries surely will have many difficulties, obstacles and troubles, but like parents we have to help and support them if really we wish to see them stand on their own legs. My friend, Mr. Ghuznavi, has very wisely said: "Let us see whether these articles fulfil the demand of the public or not". I will say the same thing to him—that value depends upon demand. If we stop the manufactures of other countries from coming into India, we will be encouraging and helping our industries to increase their manufactures; because, if the people buy cheap things, they will not require a little more expensive thing made in India, with the result that our manufactories will not be able for a very very long time to fulfil the real demand of India. But if we stop foreign goods coming into India, we will be really helping the country as well as our manufactures and the demand will then be fulfilled very quickly. With these words, I support the amendment.

Sir Darcy Lindsay (Bengal: European): Sir, coming from Bengal as I do, I heartily support this amendment. It is the home industries that India is so badly in need of; and anything that can be done to foster industries I am entirely in favour of—I understand that there are two important companies in Calcutta that employ ample capital and their productive power is something like 4½ lakhs worth of goods, this they can increase if there is a demand, at present the demand has been lessened owing to the import of very cheap low quality goods from other countries. I have examined the qualities of the enamel dishes made by these factories in Calcutta, and I have examined certain dishes that have come from Japan. There is a vast difference; but if the consumer wants cheap goods, I have no doubt that, afforded facilities in the supply of material, our Calcutta factories and factories in other parts of India can supply the goods at very similar prices. I understand that the metal used is rolled by Tatas; but they do not roll to a gauge similar to that of the cheap class of goods. I am not at all myself in favour of these cheap class goods, but if there is a demand that necessitates manufacture, then I think we must endeavour to move the Tatas to supply the necessary material. My friend, Dr. Ziauddin Ahmad, made rather a point of how could the factories with only a small capital produce a large output? I am afraid my friend does not know very much about manufacture

An Honourable Member: He is a mathematician.

Sir Darcy Lindsay: He was corrected in that by Sir Cowasji Jehangir and I will leave it at that

Mr. N. M. Joshi: He knows the industry of gas-making.

Sir Darcy Lindsay: Here, Sir, is an opportunity to support an existing industry that has not been very long in existence, an industry that is capable of producing a first class article, and I hope this House will give it that protection it should receive.

The Honourable Sir Joseph Bore: Sir, I would like to reply to one or two points that have been made in the course of the debate this morning. In the first place, I would like to refer to the question of the supply of relevant figures, and I would like to explain to the House that the reason why figures dealing with enamel-ware were eliminated from the information circulated to Honourable Members was because the item itself was eliminated from the Report of the Select Committee. So far as figures are concerned, I entirely agree with my friend, Mr. Joshi, and as I assured him on a previous occasion, I personally would do everything in my power to facilitate examination of such questions by this House by the supply of such figures as we are in possession of. On the other hand, may I remind him of a remark which he made, I think it was in his reply to the debate on his motion in regard to unemployment,—my recollection was that he then said, if a thing must be done, then the mere fact that you have not relevant figures should not stand in the way of your doing it

Mr. N. M. Joshi: I have not said a single word on the merits of this Bill.

The Honourable Sir Joseph Bore: I am merely quoting my friend in support of my position today.

[Sir Joseph Bhore.]

Now, Sir, in regard to figures, my friend, Dr. Ziauddin, great mathematician though he is, very curiously ignored such figures as had already been supplied to him. Had he taken the trouble to go into the figures which were supplied in the Yellow Book, he would have found that both my friend, Mr. Lahiri Chaudhury, and my friend, Mr. S. C. Mitra, were correct. I will repeat these to him so that he may be in a position, if it comes to the value of Rs. 10 lakhs. I understood, on account of this bracket, that the production for all the three years combined was approximately of the value of Rs. 10 lakhs, and not ten lakhs a year.

Dr. Ziauddin Ahmad: May I explain, Sir. I would refer the Honourable Member to page 26 at the very top. It is stated there "Estimated production 1930-31, 1931-32, 1932-33", and then follows a bracket and then approximately of the value of Rs. 10 lakhs. I understood, on account of this bracket, that the production for all the three years combined was approximately of the value of Rs. 10 lakhs, and not ten lakhs a year.

The Honourable Sir Joseph Bhore: I hope, Sir, now that his difficulty has been removed, he will be able to support the motion.

Dr. Ziauddin Ahmad: May I ask the Honourable Member whether he is prepared to say whether it is Rs. 10 lakhs a year?

The Honourable Sir Joseph Bhore: Yes, Sir.

Dr. Ziauddin Ahmad: Rs. 10 lakhs a year?

The Honourable Sir Joseph Bhore: Yes, Sir.

Then, Sir, I will quote a few figures which I hope may carry still further conviction to my friend. The estimated total production in India amounts in value to 32·8 per cent. of the average Indian market and 48·7 per cent. of the average total imports during the past three years. That, I think, Sir, should remove any doubts which may possibly exist in the mind of my friend.

I have only one more point to deal with, and that is the attitude of the Government in this matter. When we originally included this item in our Bill, we were satisfied that there was a case for safeguarding this industry. It was, however, one of those cases which are near the border line, though on the right side of the border line. In the Select Committee we found that there was a strong section that felt that in such cases the interests of the consumer should be the deciding factor, and they pressed the view that in this particular case it was the poorer consumer who was going to be penalised. In those circumstances, we felt that the case being what it was, we ought to leave it to the non-official members of the Select Committee, and if they felt that the poorest consumers were being penalised, we should not force our proposal down their throat. That explains the reason for the attitude taken by Government. I can only say that we have the strongest sympathy for the amendment of Mr. Lahiri Chaudhury, and indeed we must, because it found a place in our original Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in Amendment No. 18 under the proposed Item No. 184A, the following be added:

(2) Domestic hollow-ware, the following, namely, basins, bowls, dishes, plates, and thalas, including rice-cups, rice bowls and rice plates—			
(i) having no diameter exceeding 19 centimetres.	30 per cent. or per dozen, four annas <i>plus</i> one anna for every two centimetres or part thereof by which any diameter exceeds 11 centimetres, whichever is higher.	20 per cent.	..
(ii) having any diameter exceeding 19 centimetres.	30 per cent. or per dozen, eight annas <i>plus</i> two annas for every two centimetres or part thereof by which any diameter exceeds 19 centimetres, whichever is higher.	20 per cent.	..,"

The motion was adopted.

Mr. A. H. Ghuznavi: Sir, I move:

"That in the Schedule to the Bill, the proposed amendment No. 22 be omitted.

This proposed amendment refers to earthenware, porcelain, etc. You, Sir, have ruled only this morning that the Members of the House should not display any articles, otherwise I would have produced some articles here, and that would have satisfied the House why this amendment should be omitted. Now, Sir, here is a statement. The example of a 10" plate imported from England and from Japan will clearly show the motive underlying the bogey of specific duty.

	£	s.	d.	
10" plate from England	0	8	0	per dozen.
Less discount of 65 per cent., 5 per cent. and 5 per cent.	0	5	5½	
Nett cost at Factory	0	2	6½	
Add to this Packing, Freight, Buying Commission and other charges	0	0	7½	
Cost Free Bombay Harbour	0	3	1½	

When we convert the shillings into rupees, we find the price works out to Rs. 2-1-0. The duty on this was 20 per cent. Of course, the Ottawa Conference gave them ten per cent. discount, that is to say, 20 per cent. That brings the total price of a dozen English plates to Rs. 2-8-0 per dozen. Now, Sir, similar 10" plates from Japan delivered free at Bombay Harbour at the rate of Rs. 80 exchange per yen cost only Rs. 1-8-0, and with the specific duty on this at rupee one which we want to levy now, the price will come to Rs. 2-8-0 per dozen. It restores the price to a level at which

[Mr. A. H. Ghuznavi.]

the English goods can compete, while the Indian goods cannot compete, because their prices are still higher. Besides this, Sir, one other thing must be borne in mind. How could a factory situated in Delhi supply the whole country with the goods produced here at competitive prices? As the goods will have to be sent to Madras by railway, the Commerce Member and the Railway Member combined would certainly profit. The freight will be prohibitive. Further, we cannot tell in this case the reasonable price at which it can be sold. We have no data as to what they can supply and whether they can supply. So far as the Bengal Pottery Works are concerned, I do not think they make these things. They make electrical accessories, such as clutches, etc. They have a large contract from Government for making chinaware electrical appliances. As regards the Gwalior Pottery, I have no information about its capacity, nothing was supplied to us in the Select Committee to enable us to judge whether that institution can supply the needs of India or to what extent they can supply. Therefore, I submit that this item should be omitted. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, the proposed Amendment No. 22 be omitted."

The Honourable Sir Joseph Bhore: I oppose this amendment. My Honourable friend has on more than one occasion attempted to prejudice the consideration of various Items included in this Bill by suggesting that their object is to favour British imports and not to help Indian industries. That, I have repudiated very strongly on a previous occasion and I think that, if my Honourable friend wishes to oppose any motion, he should do so on its merits and not by importing what I hold to be a wholly extraneous consideration. So far as earthenware and porcelain are concerned, I think the House will realise that we have had considerable difficulty in this matter because, as there is a number of small centres of production, it is not possible to get anything like complete statistics. Honourable Members have on a previous occasion expressed the view that, in the absence of statistics it is extremely difficult for them to come to a definite conclusion. I am entirely in agreement with them. We are doing all we can to improve our statistical organisation, but unfortunately we have no power to insist upon the submission of returns in respect of production as the law now stands. Further, many of these industries, porcelain and earthenware included, cover cottage or small scale industries, and, in respect of them, estimates of production are still more problematical. What we have done is, we have tried our best through reference to Directors of Industries and other quarters to ascertain whether production is on a fairly substantial scale and, it is only in such cases, as I explained when I made my first speech on this subject, that we have decided to take action. In this particular case, I want to make it clear that we would be prepared to accept the amendment which stands in the name of my Honourable friend, Mr. Lahiri Chaudhury. We should have preferred to have had a straight flat rate, but we recognise that that might impose considerable hardship in respect of certain classes of articles. For this reason we are prepared to have a graded scale as suggested in his amendment, but I cannot agree to the elimination of this article from the Bill, because we are satisfied that there is substantial production in the country, and we are still further satisfied that, if this uneconomic competition is eliminated, that production will be greatly increased in the course of the next two or three years.

Mr. A. H. Ghuznavi: In view of what has fallen from my Honourable friend, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. D. K. Lahiri Chaudhury: Sir, I move:

"That in the Schedule to the Bill, in Amendment No. 22 for the proposed Item No. 191A the following be substituted:

191- A	DOMESTIC EARTHENWARE, China and porcelain, the following, namely:—			
	(a) Tea cups and coffee cups—			
	(i) having a capacity of more than $7\frac{1}{2}$ ozs.	30 per cent, or ten annas per dozen, whichever is higher.	20 per cent.	..
	(ii) having a capacity of not more than $7\frac{1}{2}$ ozs.	30 per cent, or four annas per dozen, whichever is higher.	20 per cent.	..
	(b) Saucers—			
	(i) for use with tea cups or coffee cups having a capacity of more than $7\frac{1}{2}$ ozs.	30 per cent, or five annas per dozen, whichever is higher.	20 per cent.	..
	(ii) for use with tea cups or coffee cups having a capacity of not more than $7\frac{1}{2}$ ozs.	30 per cent, or two annas per dozen, whichever is higher.	20 per cent.	..
	(c) Tea-pots—			
	(i) having a capacity of more than 20 ozs.	30 per cent, or three rupees per dozen, whichever is higher.	20 per cent.	..
	(ii) having a capacity of more than 10 ozs. and not more than 20 ozs.	30 per cent, or twentyfour annas per dozen, whichever is higher.	20 per cent.	..
	(iii) having a capacity of not more than 10 ozs.	30 per cent, or twelve annas per dozen, whichever is higher.	20 per cent.	..
	(d) Sugar-bowls . . .	30 per cent, or twentyfour annas per dozen, whichever is higher.	20 per cent.	..
	(e) Jugs having a capacity of over 10 ozs.	30 per cent, or twelve annas per dozen, whichever is higher.	20 per cent.	..
	(f) Plates over $5\frac{1}{2}$ inches in diameter—			
	(i) over $8\frac{1}{2}$ inches in diameter.	30 per cent, or sixteen annas per dozen, whichever is higher.	20 per cent.	..
	(ii) not over $8\frac{1}{2}$ inches in diameter.	30 per cent, or ten annas per dozen, whichever is higher.	20 per cent.	.."

This amendment provides a *via media* between the manufacturer and the importer. It is a fact that the pottery industry is still in its infancy in this country, and I think it cannot in the near future meet the demands of the country, but at the same time it deserves to be protected. I may mention that the duty of moving this amendment fell on me, because my Honourable friend, Mr. Rahimtoola Chinooy, had to leave on very urgent business for Bombay and he was the original author of this amendment. Even if this protection is given, Indian manufacturers will not be able to

[Mr. D. K. Lahiri Chaudhury.]

compete, that is an irony of fate, but at the same time I feel that this is a reasonable amendment which can be adopted at this stage. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, in Amendment No. 22 for the proposed Item No. 191A the following be substituted :

191- A	DOMESTIC EARTHENWARE, China and porcelain, the following, namely :—			
	(a) Tea cups and coffee cups—			
	(i) having a capacity of more than $7\frac{1}{2}$ ozs.	30 per cent. or ten annas per dozen, whichever is higher.	20 per cent.	..
	(ii) having a capacity of not more than $7\frac{1}{2}$ ozs.	30 per cent. or four annas per dozen, whichever is higher.	20 per cent.	..
	(b) Saucers—			
	(i) for use with tea cups or coffee cups having a capacity of more than $7\frac{1}{2}$ ozs.	30 per cent. or five annas per dozen, whichever is higher.	20 per cent.	..
	(ii) for use with tea cups or coffee cups having a capacity of not more than $7\frac{1}{2}$ ozs.	30 per cent. or two annas per dozen, whichever is higher.	20 per cent.	..
	(c) Tea-pots—			
	(i) having a capacity of more than 20 ozs.	30 per cent. or three rupees per dozen, whichever is higher	20 per cent.	..
	(ii) having a capacity of more than 10 ozs. and not more than 20 ozs.	30 per cent. or twentyfour annas per dozen, whichever is higher.	20 per cent.	..
	(iii) having a capacity of not more than 10 ozs.	30 per cent. or twelve annas per dozen, whichever is higher.	20 per cent.	..
	(d) Sugar-bowls . . .	30 per cent. or twentyfour annas per dozen, whichever is higher.	20 per cent.	..
	(e) Jugs having a capacity of over 10 ozs.	30 per cent. or twelve annas per dozen, whichever is higher.	20 per cent.	..
	(f) Plates over $5\frac{1}{2}$ inches in diameter—			
	(i) over $8\frac{1}{2}$ inches in diameter.	30 per cent. or sixteen annas per dozen, whichever is higher.	20 per cent.	..
	(ii) not over $8\frac{1}{2}$ inches in diameter.	30 per cent. or ten annas per dozen, whichever is higher.	20 per cent.	..

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I was also bracketted with the motion of Mr. Ghuznavi, but after further consideration I found that the motion which has just been moved by my Honourable friend, Mr. Lahiri Chaudhury, was more to the point and to the benefit of my countrymen. Therefore, I did not support the motion of my Honourable friend, Mr. Ghuznavi. These industries may be called cottage industries, they may be called nascent industries, and as such industries are beginning to rise in this country, they ought to be protected. I find also that it is in Calcutta and Gwalior only that these industries have been taken in hand, and now, as the Member for Government has stated that he will be prepared to accept this amendment, I do not think I should make any long speech on the subject. I support this amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): The Honourable the Commerce Member has placed many of us in a difficulty by already announcing that he will accept the amendment moved by my Honourable friend, Mr. Lahiri Chaudhury. My difficulty is that if this variable tariff rate is adopted, people will start importing low sizes of porcelain ware and it will kill the higher sizes manufactured in this country. I must say that nobody raised this question in the Select Committee. From what I know of the prices in the market, coffee cups, though they are of very small size, are sold at a very high price, and why should there be this difference in tariff? I will take one or two more illustrations. I think it will be very hard on the tea cup industry, whether it is manufactured in the Gwalior Factory or in the Bengal Pottery Works, if they want to manufacture smaller sizes, and Japan, with her depreciating currency and her subsidies, whether given in the shape of shipping subsidies or in the shape of bounties, will kill this pottery industry if we accept this variable rate. Take, for instance, the jugs. In the original Bill there were only jugs. It has now been limited by my friend, Mr. Lahiri Chaudhury, to jugs having a capacity of over ten ounces. I thought that milk jugs have got a smaller capacity than ten ounces. I am not an authority in the line. I have seen jugs of smaller sizes. The other day, I showed up the commercial immorality of these importers, not only the immorality of the Indians who import goods, but the immorality of the Japanese merchants and the Japanese Government who give bounties and subsidies whereby industries in India are being killed. I am surprised that the Honourable the Commerce Member should yield to the persuasion of my friend, Mr. Lahiri Chaudhury. Only this morning Mr. Lahiri Chaudhury waxed eloquent on the enamel industry. We in the Select Committee thought that the pottery industry was much more important than the enamel ware industry and the Government have taken us by surprise before they heard our side of the case. I do hope that the Honourable the Commerce Member accepts the position that he is not giving adequate protection to the pottery industry. He already knows that the Bengal Pottery Works have been taken over by a Delhi friend of ours who is going to expand the pottery industry there; but, before that, the Honourable Member has already sprung a surprise, not only on this House, but on those who are interested in that industry. If the Honourable Member accepts this provision, I will challenge it to a division, for this reason. The problem has not been studied properly. I feel the pottery industry will meet with great harm and I do hope that the Honourable Member, if he wants to accept the amendment which I am going to challenge to a division, will give details and his reasons why he feels that the industry will not be adversely affected if Mr. Lahiri Chaudhury's amendment be accepted.

The Honourable Sir Joseph Bhore: I am sorry that my Honourable friend has taken up the attitude which he has done. I know that he is actuated by the best of intentions and that his only concern is to see that the Indian pottery industry is properly safeguarded, but I can assure him that while we would have preferred the flat rate which we had in the original Bill for administrative reasons, we do think that it is somewhat hard to penalise the small articles and to impose the same rate of duty on the very small article as on the very much larger article. We did not think that we could resist the argument adduced by the other side, which contends that for instance we ought not to charge the same rate of duty on a jug the diameter of which may be one inch as on a jug the diameter of which may be four inches. I am sure that my Honourable friend will realise that there is some force in that argument and, while we, on our side, would have much preferred a single flat rate of duty, I feel that in equity we could not resist the position that has been taken by Mr. Lahiri Chaudhury. I do hope that in these circumstances my Honourable friend will not challenge a division. I feel that, so far as we are concerned, we are really giving quite a substantial degree of assistance to the classes of articles which are really at the present moment manufactured in substantial quantities in this country. I hope, therefore, my Honourable friend will not persist in the attitude which he threatened to adopt.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in Amendment No. 22 for the proposed Item No. 191A the following be substituted :

• 191-	DOMESTIC EARTHENWARE, China and porcelain, the following, namely :—			
	(a) Tea cups and coffee cups—			
	(i) having a capacity of more than 7½ ozs.	30 per cent. or 10 annas per dozen, whichever is higher.	20 per cent.	..
	(ii) having a capacity of not more than 7½ ozs.	30 per cent. or four annas per dozen, whichever is higher.	20 per cent.	..
	(b) Saucers—			
	(i) for use with tea cups or coffee cups having a capacity of more than 7½ ozs.	30 per cent. or five annas per dozen, whichever is higher.	20 per cent.	.
	(ii) for use with tea cups or coffee cups having a capacity of not more than 7½ ozs.	30 per cent. or two annas per dozen, whichever is higher.	20 per cent.	..
	(c) Tea-pots—			
	(i) having a capacity of more than 20 ozs.	30 per cent. or three rupees per dozen, whichever is higher.	20 per cent.	..
	(ii) having a capacity of more than 10 ozs. and not more than 20 ozs.	30 per cent. or twenty-four annas per dozen, whichever is higher.	20 per cent.	..

(iii) having a capacity of not more than 10 ozs.	30 per cent. or twelve annas per dozen, whichever is higher.	20 per cent.	..
(d) Sugar-bowls	30 per cent. or twentyfour annas per dozen, whichever is higher.	20 per cent.	..
(e) Jugs having a capacity of over 10 ozs.	30 per cent. or twelve annas per dozen, whichever is higher.	20 per cent.	..
(f) Plates over 5½ inches in diameter—			
(i) over 8½ inches in diameter.	30 per cent. or sixteen annas per dozen, whichever is higher.	20 per cent.	..
(ii) not over 8½ inches in diameter.	30 per cent. or ten annas per dozen, whichever is higher.	20 per cent.	..”

The motion was adopted.

Dr. Ziauddin Ahmad: Sir, I move.

“That in the Schedule to the Bill, in amendment No. 31, in the second column of the proposed Item No. 238B, after the words ‘excluding felt’ the words ‘Balacklava caps’ be inserted.”

When sitting in the Select Committee, nobody brought up this question of the Balacklava caps. These stand on an entirely different footing. We accepted the number basis in the case of hosiery and I think these could come under the same category, and the number basis would have been far better than the weight basis. As regards the Balacklava caps, these are not manufactured in this country. No doubt the Woollen Mills in Cawnpore manufacture them, but they are of a high class quality. The quality is much higher and the price is also much higher. But the Balacklava caps used by the poor people contains a much higher percentage of cotton. I think the percentage is 80 to 85 per cent. cotton and 20 to 15 per cent. of wool. These are not manufactured in Cawnpore.

Mr. J. Ramsay Scott (United Provinces: European): We manufacture no mixtures in Cawnpore. It is all pure wool.

Dr. Ziauddin Ahmad: So this is high class material. I do not want to touch that. But in the case of the Balacklava, the largest portion is cotton and only a very small portion is wool, ranging only between fifteen to twenty per cent. and very often even between ten and twenty per cent. So that ought to be excluded. I think there could be two ways of doing it—either, to put down the condition that the percentage of wool may be raised from ten to twenty per cent., so that in that case these Balacklava caps can be excluded altogether or— if this proposal would be acceptable to my Honourable friend, Mr. Ramsay Scott—I would suggest an alternative and, in this particular case, there may be a specific duty not by weight, but by means of so much per dozen, that is, by means of a number standard.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

“That in the Schedule to the Bill, in amendment No. 31, in the second column of the proposed Item No. 238B, after the words ‘excluding felt’ the words ‘Balacklava caps’ be inserted.”

Mr. A. H. Ghuznavi: Sir, so far as these Balacklava caps are concerned, my Honourable friend, Mr. Ramsay Scott, said that they did not manufacture mixtures in Cawnpore, but only pure wool Balacklava caps. Is not that so? (*Mr. J. Ramsay Scott:* "Yes".) Very well. We may, therefore, take it that this kind of Balacklava caps which is only fifteen to twenty per cent. wool is not manufactured in India at all. Therefore, I support the motion moved by my Honourable friend, Dr. Ziauddin.

Mr. J. Ramsay Scott: Sir, I must oppose this amendment. Firstly, it is an attempt to introduce an adulterant to increase the adulteration of wool. Secondly, it is brought in under the wrong clause; it ought to have been brought in under 238C, because I have never seen a Balacklava cap which is made of piecegoods. Sir, I oppose.

The Honourable Sir Joseph Bhoré: Sir, I am afraid I must oppose these amendments. In regard to the first item, I think the technical objection taken by my Honourable friend, Mr. Ramsay Scott, is quite valid. However, leaving that for a moment aside, I should point out that a reduction from 90 per cent. to 80 per cent. would penalize a number of somewhat cheap fabrics which come in from the continent. We originally thought of fixing the figure at 85 per cent. but we felt that that might possibly affect these fabrics from the continent, chiefly Italy. We have no desire to impose an unnecessary burden on Italy, and it is for that reason that we ultimately fixed the figure at 90. As regards Balacklava caps, I would suggest to my Honourable friend that it is a little difficult for us to deal with isolated articles of apparel like this which he brings in at the last moment. I am sure, I personally would have been very grateful if he had raised the point in the Select Committee. If these articles contain less than fifteen per cent. of wool, they will come under the head of "Cotton apparel" and, under the other Bill, I think they will be treated in a less rigorous manner; they will I think be liable to a duty of 25 and 35 per cent. That, I think, would be the effect of the Bill in question. In these circumstances, I do not think there is very much to be gained by it, and, I hope, my Honourable friend will not press this motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in amendment No. 31, in the second column of the proposed Item No. 238B, after the words 'excluding felt' the words 'Balacklava caps' be inserted."

The motion was negatived.

Mr. J. Ramsay Scott: Sir, I move:

"That in the Schedule to the Bill, in amendment No. 31, in the second column of the proposed Item No. 238B, the words 'and fabrics made of shoddy or waste wool' be omitted."

Sir, there are large imports of heavy goods such as Meltons and Overcoatings and the cheapness of these has almost completely killed the mill industry in this country and, at the present moment, 75 per cent. of the plant in this country is lying idle. These materials are heavy materials weighing from one to two lbs. per yard 54 inches wide. There is no doubt that, owing to the cheapness of the goods combined with their heavy weight, the duty of Rs. 1-2-0 per lb. is a heavy tax. In this country such materials cost about Rs. 3 per yard and are made entirely from Indian

wool, while similar imported articles cost about Rs. 1-8-0 per yard. The cottage industry or hand-loom weaver will, however, be the greatest sufferer as he turns out a large quantity of such materials, and I have no doubt that my friend, Mr. Sadiq Hasan, can tell you more about the effects on the hand-loom weaver than I can.

The Government must remember that the waste of one part of the industry can be the raw material for another part, and that waste is often longer in staple than some of the Indian wools. Statistics of wool are hard to obtain, but India has about 50 million sheep and retains for use in India about 50 million pounds of wool or half her production.

The letting in of waste or shoddy materials is really encouraging the use of adulterants and I do not consider it desirable to flood the market with cloth which has no wearing properties.

The third point is, I do not consider that it is workable from a customs point of view, and I would like to know how a Customs Officer is going to decide what is waste or shoddy and what is wool, for in future every wool cloth will describe itself as made of waste or shoddy and the two million yards from Japan will escape the specific duty.

I had no time in the Select Committee to examine the question, but perhaps Government could alter their proposals and consider a slightly lower specific duty on materials weighing over 20 ounces per yard of 54 inches wide, but in the meantime I would ask the Government to accept my amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, in amendment No. 31, in the second column of the proposed Item No. 238B, the words 'and fabrics made of shoddy or waste wool' be omitted."

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, I strongly support the motion of my Honourable friend, Mr. Ramsay Scott. I think I have got some claim to speak on this subject, because my firm has been manufacturing hand-loom woollen shawls and carpets for over a century and I in my own small way have experimented with hand-loom woollen cloth. I have also got an intimate knowledge of the woollen cottage industry. Sir, it is a pity that the Honourable Member in charge of the Department did not fully know the ins and outs of the subject. (Laughter.) It is not a question of laughing. I can tell you that once an English Premier handed over an island belonging to England to the French Government without knowing its dimensions. This is a very small industry and it is not possible for the Honourable Member in charge of the Department and even for my friend, Dr. Ziauddin Ahmad, to know everything about it. The fact is, Sir, there are two classes of Indian woollen fabrics manufactured by hand. One of them is woollen shawl and the other is a cheaper material called the Indian *pattu*.

An Honourable Member: Is that all woollen?

Shaikh Sadiq Hasan: Yes, it is all woollen. The Indian shawl is very costly and, therefore, only rich people can afford to buy it. No amount of tariff duty would save it as it is only those people who are fond of art that can afford to buy it. Then, there is the Indian *pattu* tweeds which used to be manufactured by thousands of poor weavers in Kashmir

[Shaikh Sadiq Hasan.]

and the Punjab. These poor people have been very hard hit, not so much by the English cloth, as by these cheap French, Italian and Japanese goods. (Interruptions.) Well, Sir, I feel that the matter is very important and, therefore, I would request the House to pay some attention to it. It is very unfortunate that these petty Indian manufacturers and weavers cannot get any mixed yarn and generally they rely upon hand-made woollen yarn or machine spun woollen yarn. The result is that, when they make the fabric, it is cheap and does not cost more than one rupee per yard or even less than that and they have to compete against the Japanese and Italian mixture of cloth which is made from rags and cotton or wool waste and cotton. Naturally, the mixture of rags and cotton is bound to be cheaper than pure wool. Besides, the Indian weavers have to contend with another misfortune. In Italy and Japan, they can afford to pay very high salaries to their artists, with the result that they produce very nice looking designs, and when that fabric is well finished, it has got the look of a woollen fabric as well. The result is that a very cheap fabric made of rags and cotton comes into this country and is bound to be sold at a cheaper price and, as it is finished by a very high class machinery which they have got in Italy and Japan it looks like woollen. So, the Indian petty manufacturers cannot compete and the Indian public unfortunately is deceived. I would call it cheating the Indian public, and would not call it by any other name. Well, Sir, I am not speaking on behalf of big industrialists, but I am only speaking of behalf of the poor petty manufacturers who have got, say, 10 or 15 looms each and also on behalf of those thousands of weavers who make these *pattus* (tweeds) in Kashmir and the Punjab. Unless the Honourable the Commerce Member, who has got in his heart the interests of these people, carefully considers this question, he will not be able to save them from utter destruction. Even up to this time, thousands of them have been ruined, because they could not stand the competition, and those who have been able to stand the competition will no longer be able to do so, because every day Japan and Italy are producing such fabrics from rags and cotton that they look absolutely woollen and it is not possible for these poor weavers to develop their industry in that way, because, as I have already said, there is no *charkha* in India which can mix up wool and cotton together. It is not possible, I suppose, to invent any such thing, because, had it been possible to do so, it would have been invented long ago.

Then, I come to the cloth which is made out of waste and shoddy. Some of the wools which are available in Madras or even in the Punjab belong to the second class category and they are no longer than the wastes. How, on earth, is it possible for any man to find out if the cloth is manufactured from waste of from the Indian second wool? If the Customs Department were to employ the services of Professor Barker of Bradford College for this purpose, I doubt if even he would be able to find that out. As they cannot afford each bale of imported woollen cloth to be examined by such an eminent authority, naturally they have to utilise the services of some one who has only an inkling of this subject. As they have to deal with so many bales, it is utterly impossible for them to find out what is meant by pure wool and by second quality—Indian wool. I would refer you, now, Sir, to statistics. We find that in 1932-33 while the production of Indian mills has been four million yards, more than 12 million yards have been imported from England, France, Italy and Japan. Amongst these, I suppose, the imports from

England are the lowest. In this case our competition is not with England, because she produces high class fabrics. So, we Indians have no objection if English goods come into this country, because there is no competition with them. On the other hand, I really do feel why foreign countries like Japan and Italy should oust Indians from the market, and take away their bread and reduce them to beggary, not by fair means, but, I must say, by sheer deceit, because they would be selling something, which is cotton and rags, for the woollen cloth.

The Honourable Sir Joseph Bhoré: I must express my sympathy with the point of view put forward by my Honourable friend, **1 P.M.** the last speaker. At the same time, I think there are very strong objections to accepting this amendment of my Honourable friend, Mr. Ramsay Scott. The goods in question are cheap goods. They are bought by the poorest classes of the community and it was impressed upon us that this very high rate of duty would make it impossible for the poorer sections of the community to get what is after all a very cheap and not ineffective protection against the cold which in the north of India, as we all know, is very severe. My Honourable friend, Mr. Ramsay Scott, admitted that the rate of duty which would be applicable under his amendment would undoubtedly be high for these goods and, for that reason, I myself am opposed to the suggestion. At the same time, I feel that there may be a great deal in what my Honourable friend, Shaikh Sadiq Hasan, has said, but we really do not know what the facts of the case are, we do not know to what extent actually the hand-loom weaver will be affected. I would, therefore, like to say this that we are prepared, if asked, to send the case in respect of woollen goods to the Tariff Board when a complete enquiry will be made and we shall, of course, consider very carefully any recommendations made by the Tariff Board. I hope this will meet the point of view put forward by my Honourable friend, Mr. Ramsay Scott, and I hope he will withdraw his amendment.

Mr. J. Ramsay Scott: On that assurance, Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the Schedule, as amended, stand part of the Bill.”

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clauses 2 and 3 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): Now we shall take up the amendments relating to the new clause.

Mr. A. H. Ghuznavi: Sir, I beg to move:

“That after clause 3 of the Bill the following new clause be added:

“(4) The duty of customs imposed by or under this Act shall not be levied and collected on articles, mentioned in the Schedule to this Act, shipped by the seller in compliance with a contract of sale made by him under the following circumstances, namely:

(a) where the proposal has been made by the seller and its acceptance by the buyer has been put in course of transmission to the seller before the 22nd December, 1933; or

[Mr. A. H. Ghuznavi.]

- (b) where the proposal has been made by the buyer and has been put in course of transmission to the seller before the 22nd December, 1933, and the seller's acceptance has been put in course of transmission to the buyer before the 9th January, 1934:

Provided that in all cases documents showing that the contract of sale has been made under these circumstances are deposited with the Customs Collector before the 28th February, 1934."

Sir, in the Wheat Bill in 1931, when it was introduced, identically the same clause was included and all that I am asking is that a similar clause should be included in the present Bill. In the Wheat Bill, the Government put in clause 3 which gave exemption to the existing contracts. In this Bill, I do not find a similar provision, and, therefore, I move this amendment. When the Wheat Bill was introduced, a duty was abruptly imposed on the imported wheat and the Government gave exemption in that case for the existing contracts, but what is the reason for differential treatment in the present case? Is it because the contracts under the Wheat Bill were European contracts and that the contracts in the present case are Indian contracts? Let us know what are the reasons that actuated the Government in making this differential treatment. Sir, what is sauce for the gander surely should be sauce for the goose. It has been said that there is great administrative difficulty if this is allowed. Was not that difficulty existing in the case of wheat? If the Government could meet the difficulty then, can they not meet it now? It has been said that a mistake was once made and they are not going to repeat it. I say, please do it once more and do not do it again. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after clause 3 of the Bill the following new clause be added:

'(4) The duty of customs imposed by or under this Act shall not be levied and collected on articles mentioned in the Schedule to this Act, shipped by the seller in compliance with a contract of sale made by him under the following circumstances, namely:

- (a) where the proposal has been made by the seller and its acceptance by the buyer has been put in course of transmission to the seller before the 22nd December, 1933; or
- (b) where the proposal has been made by the buyer and has been put in course of transmission to the seller before the 22nd December, 1933, and the seller's acceptance has been put in course of transmission to the buyer before the 9th January, 1934:

Provided that in all cases documents showing that the contract of sale has been made under these circumstances are deposited with the Customs Collector before the 28th February, 1934."

Mr. Muhammad Azhar Ali: Sir, I beg to move:

"That after clause 3 of the Bill the following new clause be added:

'4(1) The duty of customs imposed by or under this Act shall not be levied and collected on articles mentioned in the Schedule to this Act shipped by the seller in compliance with a contract of sale made by him before the 22nd December, 1933, and that such articles actually arrived in any port in India on or before the 15th of January 1934. But if any duty has already been collected on such articles the duties may be refunded to the importers.

Provided that in all cases documents showing that the contract of sale has been made before the 22nd December 1933 are deposited with the Customs Collector before the 22nd February, 1934.

(2) Where in the opinion of the Customs Collector it is doubtful whether any consignment of the articles mentioned in the Schedule is exempted from duty under sub-section (1) or not, the Customs Collector shall assess and collect duty thereon as if it were not exempted; and, on proof being furnished to his satisfaction within three months of the collection of the duty that the consignment of the said articles is exempted, he shall make a refund of the duty collected."

This amendment has not very much to do with the facts and figures and as I know that the House has been today and day before yesterday flabbergasted by these conundrums of rates and figures, this amendment of mine will appeal as it does not deal with any facts and figures. It is only a matter of contract, it is only a pure matter of honesty and conscience. We know that immediately the Safeguarding Act of 1932 was introduced, the importers were all under the impression that the rates would not be so very very much changed, and, therefore, they entered into contracts with foreign countries and they invested their money. Now, to deprive them of those benefits will be very hard, and, even if the Government have to pay something in the shape of refund, why should we penalise the people for nothing? These people have in good faith entered into these contracts, unless proved otherwise. My amendment says that the Government Customs Office should examine when these contracts were entered into and when these contracts mature and whether the goods are lying undelivered after their shipments here for very long and so forth. Therefore, my submission is, that unless the Government are satisfied that these contracts were not made and that their shipments too were not made simply with the idea of deceiving the Government or the Customs authorities, such cases should be considered quite a conscionable bargain, not only on the part of suppliers, but also purchasers, and, I am sure, now the consumers also will not be very much affected in those cases. Sir, the contractors were perhaps under the impression that as Government have not changed the figures for a long time and as the Japanese negotiations were going on, they could not but make up their minds to proceed with their contracts and there could be nothing to stop them. Sir, with these words, I move.

Mr. President (The Honourable Sir Shammukham Chetty): Further amendment moved:

"That after clause 3 of the Bill the following new clause be added:

"4(1) The duty of customs imposed by or under this Act shall not be levied and collected on articles mentioned in the Schedule to this Act shipped by the seller in compliance with a contract of sale made by him before the 22nd December, 1933, and that such articles actually arrived in any port in India on or before the 15th of January 1934. But if any duty has already been collected on such articles the duties may be refunded to the importers.

Provided that in all cases documents showing that the contract of sale has been made before the 22nd December 1933 are deposited with the Customs Collector before the 22nd February, 1934.

(2) Where in the opinion of the Customs Collector it is doubtful whether any consignment of the articles mentioned in the Schedule is exempted from duty under sub-section (1) or not, the Customs Collector shall assess and collect duty thereon as if it were not exempted; and, on proof being furnished to his satisfaction within three months of the collection of the duty that the consignment of the said articles is exempted, he shall make a refund of the duty collected."

Sardar Sant Singh (West Punjab: Sikh): Sir, I must oppose this amendment. The Honourable the Movers of these two amendments have taken their stand on a similar provision in the Wheat Import Duty Act.

[Sardar Sant Singh.]

It is really an irony of fate that when that Bill came for consideration before this House in 1931, we, the Members from the Punjab, vehemently opposed such a provision in that Act while the Honourable Members from Bengal supported the Government for such a provision being retained. Government then took their stand on the broad principle of equity and justice and stated that such a provision was necessary, because there has never been levied a duty on the import of wheat into India and the importers, when they entered into these contracts, had no notice that such a duty was contemplated by the Legislature; and that was a right stand.

Mr. A. H. Ghuznavi: Did they ever impose a duty of 240 per cent?

Sardar Sant Singh: I am coming to the amount, first let me enunciate the principle. Here, in this case, the importers have had notice that the duties were under contemplation.

Mr. A. H. Ghuznavi: How?

Sardar Sant Singh: The Safeguarding Act was passed.

Mr. A. H. Ghuznavi: Did the House give any notice that they were going to impose a duty?

Sardar Sant Singh: I think when we passed legislation last winter, the importers should have had notice of what was under contemplation. My Honourable friend knows perfectly well that, if a man can discover by due diligence that a certain thing is coming, he cannot claim that, as he did not exercise due diligence, so he should be protected. On the 10th October last, the agreement with the Japanese Government about the most favoured nation treatment came to an end. On the 10th October last, they should have known that new duties would be levied soon, because the demand for levying these duties on the imports was too persistent and insistent on the part of the affected industries. If they entered into speculative bargains, they must suffer and they must thank themselves. They were never deceived into that action, and, therefore, they cannot come to this Legislature for exemption with regard to the contracts which they entered into with their eyes open. I think, Sir, if we are to grant protection to our industries as this Bill proposes to grant, there is no reason why that action should be postponed and we shall allow our markets to be flooded by cheap goods. Therefore, my submission is that this amendment is not in the interest of the country, and I must oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty): Before the House rises for Lunch, the Chair would like to inform Honourable Members that this evening the Chair proposes to adjourn the House at 4 o'clock.

The Honourable Sir Brojendra Mitter (Leader of the House): Sir, I hope this Bill will be disposed of before then, because, if it is not disposed of, we shall be in great difficulty. Honourable Members are aware that this Bill must pass through both Houses before the 21st. In case

it is not finished today, I shall ask you to sit on Saturday after the Railway Budget is presented.

Several Honourable Members: We shall finish today.

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I rise to support the amendment proposed by my friend, Mr. Ghuznavi. It has already been admitted by the Honourable the Commerce Member that certain sections of the commercial community in India, who deal in hosiery and other goods, will no doubt be affected by the levy of these tariff duties, but he said that, on account of the rise in the price of these articles, the merchants will be re-compensated. I would submit that in the case of these articles the duty has been levied at such a high level that it will make the articles unsaleable, and there will be no question of the merchants being re-compensated by the rise in the price of the articles. So far as we know, Sir, and probably within the memory of this House, no legislation has ever raised any tariff wall or levied any duty on any articles to such a high level as we are trying to levy by this measure. Therefore, the amendments proposed by my friends, Messrs. Ghuznavi and Azhar Ali, are perfectly reasonable and justified.

Sir, it has been said that the dealers had ample notice since October last that the duty on some of these articles would be enhanced, but I would submit that the legislation which was passed in October never gave any indication to anybody in the trading world that the duties, even if they were levied, would be raised to such a high level. It has been pointed out. Sir, that contracts which have been entered into should be respected, and I need not repeat that argument. After all, these measures are meant for the protection of the industry in this country but we have got to see that by protecting a small industry we are not killing a large number of traders and also increasing the prices of those articles which are generally consumed by the poor people of this country. I admit that there are a number of small factories for manufacturing these articles in India, but what is their production? By any stretch of imagination their total production is not more than ten per cent of the total consumption in the country,—it may be a little more perhaps, but it is not enough for the requirements of the country. Therefore, Sir, there can be no justification in levying this duty, in order to give protection to very small industries because you will be doing an injustice to a very large number of traders in the country and killing their trade.

Sir, a communalist paper of Delhi branded Sir Abdur Rahim, Mr. Ghuznavi and myself as being communalists when we opposed the measure when it was first brought before the House. I quite agree with it. A great deal of communalism is involved in the discussion of this measure in this House, but from different quarters, and it is really surprising that even Government should lend their support to this act of

[Sir Muhammad Yakub.]

communalism. I do not see any reason, if the Government can accept the amendment proposed by Mr. Lahiri Chaudhury to give relief to certain articles, why the same treatment should not be given to other articles, particularly to the dealers of those who have entered into *bona fide* contracts if they are able to prove to the satisfaction of the Customs Officers that those contracts were entered into *bona fide*. I hope the Government will see that a section of the trading classes do not fall a victim to the communalism which is displayed in this House. With these words, Sir, I support the proposition.

Mr. S. C. Sen: Sir, I oppose this amendment. I do not understand the logic of it, nor do I think that there is any precedent for such a thing, except the single precedent of the wheat contract. What is the logic in putting forward this amendment? Certain people who are in the trade have entered into, I admit for purposes of my argument, a *bona fide* contract. When did they enter into this *bona fide* contract? From 1931 up to now, up to the introduction of this Bill, there was a violent clamour in the country against the Japanese competition with indigenous goods. In 1931, there was a Conference, if I remember aright, in Simla between the representatives of the manufacturers and also the representatives of the importers of hosiery and other articles regarding. . . .

Mr. A. H. Ghuznavi: Not the importers.

Mr. S. C. Sen: Yes, there were the representatives of the importers also.

Mr. A. H. Ghuznavi: I don't think so.

Mr. S. C. Sen: There was a Conference in Simla at which all these measures were discussed. Subsequently Government were moved to pass the Act which is now known as the Safeguarding of the Industries Act. At that time also, everybody knew that a duty would be levied on the goods imported from Japan. With this knowledge, Sir, which everybody in India had, unless these importers like Rip Van Winkle were sleeping all the time, if the traders had not taken timely action, they themselves are to blame. They knew that some duty would be imposed on the goods imported from Japan. The argument of some of the Honourable Members here is that such a high duty would not be imposed. What is the use of such an argument? All people knew, and especially the trading classes knew, that some duty would be imposed on the imported goods from Japan, whether it is five annas, three annas or even one pice, and if with their eyes open some of the people entered into contracts, they themselves are responsible. It was within their power to enter into an agreement with manufacturers in Japan fixing on them the liability of payment of the duty if that were imposed. Sir, in section 10 of the Indian Tariff Act it is provided that "in the absence of any agreement, the seller is entitled to realise the change in the duty from the buyer", so that, in the absence of an agreement, these manufacturers knew that they could get any difference in the increase of duty from the buyers, but they did not enter into any agreement of the kind. They can even now, if they have sold the articles to any *bona fide* buyers, realise the difference in duty from the buyers. As a matter of fact, all genuine contractors who import goods to India provide in their contracts not only

for any change in duty, but also for any change in the price of the basic articles by which the article is made. I myself know that to my cost, as in one case on behalf of a company I gave an order for Rs. 32 lakhs worth of materials from England. In the contract there was a clause that if there was a change of price in the basic material, then the prices would similarly be changed. The result was that, after eight months, instead of Rs. 32 lakhs, the prices rose to Rs. 75 lakhs. That was in respect of textile articles. So we had to shut up the company and go into liquidation. That is what every prudent man ought to do. In this case, if the importers had been prudent, if they had been honest, they could have provided themselves against any ultimate loss which they knew the raising of the duty, whether by one pice or by one rupee, would entail upon them. In these circumstances, I do not understand the logic of this amendment. We have now heard so much cry about these gentlemen losing. What is the amount they are losing? I have made some enquiries into the matter and I give you some of the prices in Calcutta and in Delhi. 32 inches undervests are treated by the Government as the basic one, and, on the basis of that, they are going to impose certain duties. The c.i.f. price of that article with the 25 per cent duty, as it is now charged, comes to Rs. 2-13-0 per dozen. The retail price of that is Rs. 4-8-0, so there is a clear profit of Rs. 1-11-0 per dozen between the importer and the ultimate consumer. As regards 30 inches, the difference is Rs. 1-9-6 per dozen; as regards 20 inches, the difference is Rs. 1-15-0 per dozen. That is the profit they make upon goods which are deliverable here. With the price at 15 annas per dozen, they get a price of Rs. 2-4-0. Then, what is the loss which the consumer is expected to sustain if the duty is increased? In these circumstances, I oppose this motion. I say that no case has been made out for exempting these articles from the operation of the Act. The motion is for exempting these particular contracts from the operation of the Tariff Act.

Sir Cowasji Jehangir: For how long?

Mr. S. C. Sen: That is not material. You say those goods, which have arrived in Calcutta, should not be charged any enhanced duty. Therefore, you are exempting these goods from the operation of the duty which this Bill is going to impose.

Sir Cowasji Jehangir: I rise to support Mr. Azhar Ali's amendment. I am afraid it suffers to some extent by another amendment moved by my Honourable friend, Mr. Ghuznavi, who has constituted himself the champion of lost causes. I would ask the Honourable House not to be prejudiced against the amendment of my Honourable friend who sits behind me, because a somewhat similar amendment happens to have been moved by an Honourable Member who has now become rather famous in all tariff Bills. I also regret that my Honourable friend, Sir Muhammad Yakub, should have spoken on the merits of the whole Bill and not on the amendment, and, in doing so, talked of this Bill having a communal complexion

Sir Muhammad Yakub: Not without reasons.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair should perhaps intervene at this stage and ask Honourable Members to keep out communal considerations from this Bill. The Chair does not think that any reference to such considerations is really relevant.

Sir Cowasji Jehangir: I was only replying to my Honourable friend, Sir Muhammad Yakub, and I am very glad that you should have given a ruling late as it may be. I only mean to say that, so far as this amendment goes, I personally repudiate any allegation that there is any communal complexion in this amendment. I am not here a champion either of the importer or of the manufacturer. I ask the House to consider this question purely and simply as a question of justice and equity. Importers may have got their imports in their harbour. They may have their imports on the high seas when Government very rightly proposed a Bill to tax certain imports. I do not think that there is any one in this Honourable House who will challenge the statement that those imports will be subject to a higher import duty very unexpectedly. I am not talking of forward contracts, I am merely talking of goods that may be on the high seas or in port, and that is all that this amendment asks you to do—to exempt goods that may be on the high seas or goods that may be in port. The matter, I admit, is not of great importance. It is a question of equity and justice. We are told that the importers ought to have known that such a Bill might be introduced in this House at any moment. I admit that fact. I admit that my Honourable friend opposite had moved a Safeguarding of Industries Bill. I admit that the most favoured nation treatment agreement with Japan was suspended. I agree that importers ought to have known that something was impending, and that too at a very early date. But what did really happen? We had the Safeguarding of Industries Act and nothing happened in this Honourable House. There was no Bill brought forward

An Honourable Member: No Bill intended to be brought forward

Sir Cowasji Jehangir: There were no executive orders of Government which they could have issued under the Act. They went on negotiating with the Japanese for days, and weeks. Even now we do not know the exact terms of the agreement. Is it meant to be contended that during this interval all trade should stop, that all importers should stop importing goods, because, at some time or other, the Honourable the Commerce Member may issue an executive order increasing the duties or may bring in a Bill as he has actually done? Impossible. Therefore, all that this amendment asks you to do is to exempt from this particular duty goods that have left the country of manufacture and have not arrived in this country or have not passed through the customs. It is not a very big thing that we are asking, and we are asking for this exemption in the name of justice and equity. Importers may be men of all communities. They may be Europeans, Hindus, Muhammadans, Parsis, they may be anybody.

An Honourable Member: So are the manufacturers too.

Sir Cowasji Jehangir: Therefore, this is merely a question, I will repeat of equity and justice. I have no desire to have in this House bad precedents or precedents that may be awkward both to this House and to the Government. But I do contend that this is rather an exceptional case and I would ask my Honourable friends opposite to consider it from this point of view. The revenue they are going to lose is not going to be very great. The manufacturer in this country is not going to suffer a great deal. If he has any cause for complaint that he has suffered, he must level his arguments against my Honourable friends opposite, who have

delayed in giving him protection for so long. This is only a question of delaying that protection for 15 days, to enable the goods that were ordered out and which have left, I may repeat, the country of manufacture to reach this country.

Mr. N. M. Joshi: They could come and pay the duty.

Sir Cowasji Jehangir: That is the point, and if there is a possibility, I am told it is not only a possibility, but it is a fact

Mr. J. Ramsay Scott: When the duty on cotton goods went to 75 per cent., I did not notice any protest from you then.

Sir Cowasji Jehangir: I have no doubt, that does not change the question of justice or equity of this case. My Honourable friend is a manufacturer. He has suffered for years. This is a question of a fortnight longer to do justice to a few importers. I would rather forgo protection than do an injury to one Indian in this country.

Mr. N. M. Joshi: You do that every year.

Sir Cowasji Jehangir: You bring out your budget which changes your tariffs. I admit that, but that is at a particular moment and with a warning. (*Honourable Members:* "No warning.") In this case, there is really no great reason to object, except that it is setting up a bad precedent. If that is my Honourable friend's argument on the other side, I will have no strong objection now and then to set up precedents which do justice and equity to even a few of the people of this country. With these words, I support the amendment moved by my Honourable friend behind me.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Anything that falls from my Honourable friend, Sir Cowasji Jehangir, is entitled to great consideration in this House and, if I say anything in reply to his argument on this particular point, it is not because I have ceased to have that respect for his opinions which I always entertain, but because this is not the first time when such an argument was brought forward and rejected in this House. If I may take the House back to 1924, when, for the first time in the history of India, a protective measure was passed, amendments somewhat to this effect, and as I will presently show, some amendments of a much more restricted character, were rejected and, among the Members who spoke strongly in opposition, were persons no less than Pandit Motilal Nehru and Mr. M. A. Jinnah. Now, if I might refresh the memory of the House on this point, I would just read out an amendment which was before the House in 1924 on which the discussion took place. This was an amendment to the Steel Protection Bill, moved by Sir Walter Willson (Mr. Willson as he then was), a very popular Member of this House. The date of this debate is the 2nd June, 1924. This is what Mr. Willson sought to add as a proviso to a similar clause we are now discussing:

"Provided that nothing in the said schedule shall apply to constructional and other steel arriving at Indian ports before 1st November 1924, which can be proved to the satisfaction of the Collectors of Customs to have been definitely ordered from abroad and definitely earmarked for specific constructions in India before the publication of the Tariff Board's Report and not for ordinary sale by the importers."

[Mr. K. C. Neogy.]

The House will realise the extremely restricted character of that amendment. Two more amendments were moved. One was for exemption in favour of certain goods ordered for the Bombay Corporation as early as 1922 and a similar amendment was moved for the benefit of similar orders placed by the Calcutta Corporation and all these amendments were defeated without a division on that occasion.

Now, Sir, I will just read out a few words from Mr. Jinnah's speech, because he explained the principle which should regulate the conduct of this House in regard to such taxation and protective measures. This is what he said:

"Why are the people entitled to come to this House and say: Exempt us because we gave our orders before the Tariff Board's Report was published. Why is not a man entitled to come and say 'Exempt me also because I have already given my order before this Act comes into operation'. Very well. Then where are you going to draw the line? We know perfectly well that the principle of tariff legislation—and here is a case which involves both taxation as well as protection—we know perfectly well that the principle of legislation of this kind is that it must come into operation the moment it becomes an Act and it must apply to every single ton of steel or iron that comes into our ports irrespective of any difference or distinction as to when the contract was given, and so on."

Then, further on, he said:

"I will say one word more and that is this. All these people in India knew perfectly well that there was a Tariff Board sitting. They knew perfectly well that there was a Tariff Board which was investigating the question whether the iron and steel industry should be given protection or not. Daily reports were published in every newspaper and I think he must be a very bad business man indeed who did not anticipate that some sort of protection was going to be given to this industry."

On that particular occasion, India was, for the first time in her history, going to have a definitely protective policy adopted, a policy which would operate as much to the disadvantage of the British Empire as to that of the other countries of the world, because in those days there was no question of Imperial Preference, and yet Mr. Jinnah argued that the people should have taken good care not to enter into these contracts or to have sufficiently covered their risks.

Sir Muhammad Yakub: Was there not a Tariff Bill about these articles?

Mr. K. C. Neogy: There was a far more serious thing. With my Honourable friend's concurrence, there was passed the Safeguarding of Industries Act last April. It gave a perfectly blank cheque to the Commerce Member to do whatsoever he liked in the way of imposing whatsoever duties he pleased with regard to whatsoever industries that he chose. Now, to go back to 1924, this is what Pandit Motilal Nehru said on that point:

"Now, I ask as a matter of principle and confining myself merely to the taxation Bill, is it any answer to any fresh taxation to say that this taxation comes upon us as a surprise, that we gave our orders long before this taxation was contemplated? Is it not always the case in every case of fresh taxation, that people are taken by surprise. In the case of ordinary taxation Bills, they do not even have the opportunities or the foreknowledge which they had in this case. I will ask the House to leave entirely out of consideration the fact that this is protection Bill when you are considering the question of exemptions from the tax."

So, as my Honourable friend, Sir Cowasji Jehangir, himself admitted, he was wanting an exemption to be granted in favour of certain contracts by way of exception to this principle which was so clearly laid down by

this House in 1924 and which was so clearly enunciated by no less popular leaders than Mr. Jinah and Pandit Motilal Nehru. Now, I should have thought that anyone who seeks to have a special measure of exemption of this character, forming as it does an exception to the general rule and principle of all fiscal legislation in this country, should at least come to this House with all material facts which would enable us to determine as to whether or not to agree to the exception being made in a particular case. What are the particular points on which this House is entitled to have information from my Honourable friend, Sir Cowasji Jehangir, before he can expect us to consider this amendment seriously? This Bill is intended to give a temporary shelter, as has been said by the Honourable Member in charge, to certain industries which have been hard hit by the abnormal depreciation of the Japanese yen.

Now, we are expected to know that these industries have been clamouring for a very long time for protection of this character. My Honourable friend, Sir Cowasji Jehangir, was very solicitous of the interests of the individual importer. I do not yield to him in my desire to see that no unnecessary injury is done to any party. Now, has he taken the trouble to inquire as to how far delay in Government action has already affected all the various industries covered by this Bill? Has he taken care to inquire how many of these industries are on their last legs today? My Honourable friend is interested in very large industries in Bombay, but if he goes through the list of industries set out in the Schedule, he will find that most of these are very small industries and they are literally tottering today for their very existence. Now, are we not entitled to know what the extent and the value of the existing contracts in respect of each item of this Bill are, before we can be expected to seriously consider such an amendment? Now, we must begin with item No. 1, fish-oil, and go through the list passing on to heavy chemicals, and so on, and anyone who wants an exemption to be granted by way of exception to a general principle of taxation is bound to furnish information which will enable us to find out as to how far letting in these goods covered by the existing contracts will affect the position of these industries that have been crying for protection all these months. The first point is, what is the extent and value of the existing contracts in respect of each item of this Bill? The second is, how will their exemption from additional duty affect each item? What is the present state of each industry? How long more can each hold out? To what extent and for how long will the proposed exemption delay their rehabilitation? These are points on which we are entitled to have definite information before we are expected to support such an amendment.

Now, a good deal has been said about justice and equity. I did not want to bring in the case of any individual industry in this connection, because what I have said relates to the general principle. But, Sir, I had occasion a few years back to introduce a Bill in this House for the amendment of the Merchandise Marks Act. That was intended to put a stop to certain fraudulent transactions that were being undertaken by the importers of certain classes of goods from Japan in order to facilitate their being palmed off as Indian manufactures. I have no intention of naming that class of goods, because I do not want to make any kind of attack upon any individual class of imports. That Bill has suffered from the usual vicissitudes of non-official legislation in this House, but it got strong support

[Mr. K. C. Neogy.]

from all the various sections in the House and, when it went into circulation, the opinions were wholly in favour of the principle of that Bill. But for your ruling, Sir, given this morning, I could have shown you today that the same deception which I sought to prevent in 1927-28 is still going on, and that hits one of the industries covered by this Bill. I am reminded, Sir, of a well-known legal maxim, that "he who seeks equity must come with clean hands". In this particular instance at least, I see that there is no justification for raising any point of equity. I feel bound to oppose this amendment unless some subsequent speaker can satisfy me from his place here on the points on which I have sought information. (Applause.)

Dr. Ziauddin Ahmad: Sir, I am not going to bring forward any logical or any statistical arguments before you. But I would just like, if I may, to appeal to the Honourable Members of this House. It has been said that the object of this Bill is to protect partially the industries of the country, but the object of this amendment is to exempt those goods which were ordered before the 22nd December and which already arrived here before the 15th of January last. So, if these goods, to which I have already referred, have already arrived here, then they cannot compete with the local industries, because only such goods as may arrive in the future may affect such local industries, but the goods which have already arrived cannot compete with the local industries as they are already in the country. There is one point. No doubt people had some kind of information, but since the conversations were going on with Japan, everybody understood—and I also understood—that the Government would lay all their proposals in the shape of one Bill after the conversations with the Japanese were over, and I think nobody expected that, during the conversations with the Japanese, a Bill would be brought forward by the Government in which the very same articles would be taxed again. The duties were not raised by ten or twenty per cent, but in several cases five times, six times, eight times, and even ten times. These, Sir, are the points which I would lay for the consideration of Honourable Members and especially of the Members of the Treasury Benches.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I shall answer the two points that the Honourable the spokesman of the Independent Party has just laid before us. Sir, he said he wanted some benevolent consideration by way of exception for the goods that have already arrived and he added that they had already arrived, because those who gave the orders for those goods could not anticipate that after the Japanese conversations a Bill would be introduced. Sir, this much at any rate should be said for those who gave the orders for these goods. They should have first read the speech of the Honourable the Commerce Member which he made while denouncing the most-favoured-nation clause and giving a notice to the Japanese Government. It was necessary to read that speech before placing such orders, and I presume they must have read that speech. He clearly indicated in that speech, at any rate while replying that day, that negotiations would follow the denunciation. Any man, with a certain amount of commercial intelligence and common sense, could have understood that there would be the safeguarding of indigenous industries and the taking of action against those

who wanted to dump their goods on India. Sir, it was customary in Great Britain, for instance before the Safeguarding of Industries Bill was introduced into Parliament, for men who were importing goods to place orders beforehand. They did place orders there, and so they have done here; and if we were again making exemptions, we should be setting a bad precedent. We should look upon the policy of safeguarding indigenous industries alike from the point of view of the employer and the employee, the consumer and the industries which are being consumed by foreign invasions. For these reasons, I hope the Honourable the Commerce Member will not show any kind of sympathy for the vicious principle that is brought forward under cover of an amendment.

Mr. G. S. Hardy (Government of India: Nominated Official): Sir, I rise to oppose both of these amendments on three grounds, they are impracticable, and, with all respect to my Honourable friends, Mr. Ghuznavi and Sir Cowasji Jehangir and others, who have supported them, they are inequitable and quite unnecessary. The Honourable the Commerce Member, in an earlier stage of the debate, gave his reasons for holding that importers had no justification for complaining that they had not had notice of these additional duties; and I shall confine what I have to say to the practical difficulties involved in giving effect to these amendments and to the results which will most certainly occur if they are put into force.

A very large number of consignments have been imported since the 22nd December and assessed at these new minimum rates of duty. The reassessment of all these consignments on an *ad valorem* basis, most of the goods having already left the customs houses, will be an exceedingly troublesome matter and a matter with which I personally should be very loth to burden our Collectors of Customs unless I thought that some real injustice was being done. But I will not labour that point because there is another and much more serious practical objection. On a first glance at this amendment all that would appear to be necessary would be for the importer to go before the Collector of Customs with his books and say: "Here is an office copy of my letter which I wrote on the 20th November ordering the goods; here is the telegram I received a month later accepting the order". If that were all, I would agree that it would be a very simple matter for the Collector to decide on what consignments exemptions should be given. But that is only the beginning of the matter. It was made clear in the early stages of the debate on these amendments that what they were intended to do was to protect importers who were not in a position to repudiate contracts they had made before the new duties were imposed; and when this matter was mentioned in the Select Committee before which I was a witness, I said that I could not possibly contemplate having the duty put on Collectors of Customs of deciding whether contracts were or were not irrevocable. This amendment, which follows the lines of a similar provision in the Wheat Import Duty Act, has evidently been drawn up very carefully with that particular object in view, and it clarifies the issues which the Collector of Customs will have to decide before he can decide that a contract could not be repudiated. It says "goods must be shipped by the seller in compliance with a contract of sale". I am not a lawyer: I am a child in these matters; but I understand there are one or two lawyers in this House (*An Honourable Member*: "Two dozen"), and I hope I shall have their support in my statement that an agent can enter

[Mr. G. S. Hardy.]

into a contract on behalf of his principal, but that a principal cannot enter into a contract with his agent. The Collector has to satisfy himself first that the goods have been shipped by the seller and not by the agent of the importer, he has to be satisfied that there was a contract and that the contract, in pursuance of which the shipment is made, is not a contract between the importer at this end and his own branch at the other end, or between the exporter in Japan and his own branch or agency here. The Collector will have to investigate very carefully the relations between the different parties to the transaction and there may be many of them. We know from bitter experience, when we have had to suspect the genuineness of invoices, that it is no easy matter to find out what is the exact relation between the shipper and the importer. Very difficult legal questions are involved; and when we are merely dealing with valuation, we can avoid them and find some other way of valuing the goods. In this case, the Collector will be bound to come to a decision on these difficult legal points.

That is not all, Sir. Reference has been made to the Wheat Import Duty Act; and I should like to tell the House what happened when we tried to apply a similar concession under that Act. Then, everything was favourable to a concession of this kind. The importers were few in number; they were well-known firms and we knew what their relations with the shippers were. No question of agency arose; their contracts were all in one uniform standard form and yet we had endless trouble. The question continually arose as to whether a shipment was in direct compliance with the terms of the contract; we had to make exhaustive inquiries into the admitted practice of the wheat trade as to what variations were allowed in the contract before the goods could be held to be goods which the importer could not decline to accept. If we had all that trouble, with everything in our favour, I ask this House to consider what will happen when we deal with a dozen different miscellaneous trades, trades carried on between business houses having every possible variety of relationship and employing every possible variety of contract. I say that the legal problems involved would be sufficient to give employment for months, if not years, to the whole of the Original Side of the High Court of Judicature in Bengal. (Interruption and Laughter.) It is not a body of work that we could possibly impose upon our Collectors of Customs.

These are my reasons for regarding these proposals as impracticable. I also say that they are inequitable. As between two importers A and B, one is going to get a refund and the other is not; and the distinction between them is going to depend on a lawyer's argument as to whether a particular set of conditions constitutes an agency or does not constitute an agency, or as to whether a particular shipment is exactly or is not exactly in compliance with the contract. One might almost as well decide the matter by the spin of a coin. In the words of one of our famous British dramatists:

"See how the Fates their gifts allot,"

A is happy and B is not."

And what about C, C who has a long term contract for regular monthly shipments terminable at a month's notice on either side? According to my Honourable friend, Mr. Muhammad Azhar Ali's amendment C, of course, would get no relief after January 15th. But according to Mr.

Ghuznavi's amendment, he would go on for years: he would be in the happy position of having a nice little private tariff all to himself on which he could go on making large profits till all was blue.

Now, Sir, I say that these amendments are also unnecessary. My friend, Mr. Sen, has already pointed out that section 10 of the Tariff Act gives all the relief that he requires to an importer who has already entered into a contract for sale before his goods arrive, and these miscellaneous trades, with which this Bill deals, are very largely indent trades in which the importer does not order his goods till he has got a contract for sale. But the Tariff Act does more than that. Because those importers who are dealing on the indent system, can add the additional duty to their price, it ensures an immediate rise in the market price, of which all other importers are in a position to take advantage. My friend, Mr. Ghuznavi, will no doubt tell me that prices before have not risen to the full effect of the additional duty and I agree with him. I absolutely and entirely agree with him, Sir. These importers have been making such enormous profits since 1931 that at least they are in a position to shoulder some of the burden of the additional duty. But what does Mr. Ghuznavi want to do? He says: "These importers were making a profit of ten rupees but now that you have raised the duty by ten rupees, some of the poor wretches are able to make a profit of only seven rupees. Let us give them all ten rupees". That is Mr. Ghuznavi's proposal under this amendment.

Sir, reference has been made to the Wheat Duty Act and it has been suggested that what was necessary then must be necessary now. There is really no parallel between the two cases. Under the Wheat Duty Act, we were dealing with importers of wheat who were importing it to grind into flour: they were not importing it for sale. The Tariff Act gave them no relief, because that Act does not allow them to add the additional duty to the price of flour which they had already contracted to sell. In this Bill, we are dealing exclusively with articles which are intended for sale. So the two cases are entirely different.

Now, Sir, if this amendment is passed, we shall probably have to make a large number of refunds. Who will get the benefit of all of them, I do not know. But of one thing I am perfectly certain and that is this: that not one anna of these refunds will find its way into the pocket of any consumer. Sir, the Government of India, as at present constituted, is an autocratic and powerful body. It can do many things by notification without consulting this House. But there is one thing it cannot do, even by notification: it cannot raise market prices with retrospective effect. That is what Sir Cowasji Jehangir and Mr. Ghuznavi are seeking to do. Sir, on behalf of Government I oppose both these amendments.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That after clause 3 of the Bill the following new clause be added:

(4) The duty of customs imposed by or under this Act shall not be levied and collected on articles, mentioned in the Schedule to this Act, shipped by the seller in compliance with a contract of sale made by him under the following circumstances, namely:

- (a) where the proposal has been made by the seller and its acceptance by the buyer has been put in course of transmission to the seller before the 22nd December, 1933; or

[Mr. President.]

- (b) where the proposal has been made by the buyer and has been put in course of transmission to the seller before the 22nd December, 1933, and the seller's acceptance has been put in course of transmission to the buyer before the 9th January, 1934 :

Provided that in all cases documents showing that the contract of sale has been made under these circumstances are deposited with the Customs Collector before the 28th February, 1934."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

"That after clause 3 of the Bill the following new clause be added :

"4(1) The duty of customs imposed by or under this Act shall not be levied and collected on articles mentioned in the Schedule to this Act shipped by the seller in compliance with a contract of sale made by him before the 22nd December, 1933, and that such articles actually arrived in any port in India on or before the 15th of January 1934. But if any duty has already been collected on such articles the duties may be refunded to the importers.

Provided that in all cases documents showing that the contract of sale has been made before the 22nd December 1933 are deposited with the Customs Collector before the 22nd February, 1934.

(2) Where in the opinion of the Customs Collector it is doubtful whether any consignment of the articles mentioned in the Schedule is exempted from duty under sub-section (1) or not, the Customs Collector shall assess and collect duty thereon as if it were not exempted; and, on proof being furnished to his satisfaction within three months of the collection of the duty that the consignment of the said articles is exempted, he shall make a refund of the duty collected'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

"That clause 1 stand part of the Bill."

Does the Honourable Member (U Ba Maung) want to move his amendment?

U Ba Maung (Burma: Non-European): I want to get some assurance from the Honourable the Commerce Member. I am not keen on moving my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): If the Honourable Member wants to move his amendment, the Chair has to decide whether it is in order, because it seeks to amend the extent clause of the Indian Tariff Act which is not for discussion before this House. The Chair would like to hear from the Honourable Member how his amendment is in order.

An Honourable Member: Leave it to the Chair.

U Ba Maung: I am not acquainted with the rules to say whether my amendment is in order or not. Of course, I sent it to the Secretary, and in fact the Secretary has re-drafted it for me. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhoré: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill, as amended, be passed."

Dr. Ziauddin Ahmad: Sir, I would be very brief and finish my speech within 15 minutes. I raised, in the course of the discussion of this Bill, four important principles. My first point was that the duty under the Bill was not a protective duty. It is not a duty for revenue purposes, but it is a duty to equalise the conditions of prices as they existed in 1931, or, in other words, to raise the price level of manufactured articles to the 1931 level. I said that the prices of agricultural products had fallen by 45 per cent. and the price of manufactured articles had fallen only by 22 per cent. and India being an agricultural country, any attempt by the Government to raise the price-level of manufactured articles without touching the agricultural products would very much aggravate the depression of the country. The second point was that this Bill would not have been necessary had the Government not stuck to the ratio of 1s. 6d. It was made abundantly clear and I gave this argument very clearly on the floor of the House that had the Government agreed to depreciate our rupee, this present Bill would not have been necessary, because it is really due to the depreciation of the yen. The third point which I raised on the floor of the House was about the specific duty being applied only to non-British goods. We have the Ottawa Agreement and, by that Agreement, we gave a preference of ten per cent. to British goods, but, in the case of the specific duties, the preference will work up not to ten per cent. but it may go up to any figure. It may go up to even 230 per cent. in some cases. Therefore, if a specific duty is to be applied, it ought to be applied to all goods. The fourth point which I raised was that certain articles were included in the two Bills with different incidence of taxations and we were required to pass them within the course of a few months. These were the four points which I advanced during the discussion. I never expected that the Members of the Treasury Benches will have any sympathetic consideration for them, because they are suffering from the intoxication of the fourth kind and that is due to their having a majority of votes in their pocket, and, therefore, I have nothing to say against them. But I have really something to say to my friends sitting on my left and in front of me, Members of the Democratic Party. But before I do so, I would like to relate just in two minutes a very small story. This is not a story but a historic fact.

Those who are students of Muslim history know the case of Mansur (Hallaj as he is sometimes called), who was one of the famous 3 P.M. Sufis and he used to call himself "I am God". "*Anal Haq*".

[Dr. Ziauddin Ahmad.]

The King ruling at that time thought it was heresy and against the Shariat and therefore ordered the people to stone him to death. Many came forward and threw stones at the man, but he laughed at all of them. But when another Sufi, named Shibli, went there and threw only a flower at Mansur, then he began to weep, and when people asked him the reason, Mansur said: "Those people were ignorant and did not understand me. They were justified in throwing stones at me, but Shibli, himself a Sophist, understands me." In the same manner, I have absolutely nothing to say against the attitude of Government, but I have some complaint against my sister party, the Democrats who understand the position of the Opposition. During the whole course of the discussion, they never contributed any argument, but the Democratic Party made only one contribution. It is this My Honourable friend, Mr. Neogy, reminded me that I contradicted myself, because I delivered so many speeches, and that, therefore, I forgot what I said in April last on the occasion of the passing of the Safeguarding Act. I know that I have not got a strong memory in remembering the exact words, but I have got a good memory and I am always consistent in what I say. If I ever change my opinion, I always give my reasons for changing my opinion, because I am not ashamed in changing my opinion. I always place the House in full possession of the facts and tell the House why I change my opinion. Once my Honourable friends of the Democratic Party shattered the Nationalist Party simply on the ground that it was not sufficiently national. I expected that at least on these four principles which I enunciated there would be some kind of development from this Party at any rate in connection with the differentiation in the case of the specific duty and applying one kind of principle to non-British goods and another kind of principle to British goods.

Mr. B. Das: You passed the preference duties last Session. Nationalists as we were then, we opposed the Ottawa Pact which you yourself accepted, and why do you bring our name now?

Dr. Ziauddin Ahmad: Then both of us have changed places. The Democratic Party really opposed the Ottawa Agreement and from experience they have found that they were wrong and, therefore, they have not come forward to support with greater enthusiasm. Coming to the criticisms of Mr. Neogy, last time when I used the expression "benevolent despot" for the Commerce Member, I expected the Government to be benevolent and despot. They should hear the rival claims of either side and act in a benevolent spirit. No doubt we appeal to them to act in a benevolent spirit, but during the course of this discussion it has been proved that they may or may not be despots, but certainly they have not proved themselves to be benevolent. Coming to the industry of fish oil, there was absolutely no justification for stopping it. Had the Government taken action to stop the adulteration of ghee altogether, we would have supported them. But the action of the Government amounts to this, that they encourage the adulteration of ghee by means of vegetable ghee and they only want to stop adulteration by means of fish oil. The argument that Government advanced was that they have done so in sympathy with the sentiments of the Hindu population of this country. This is the first time that Government have introduced communalism in an industry. Had we started the same thing, the Government would have objected on the ground that we were introducing communalism. Now fish oil is certainly more nourishing than vegetable ghee and why should we, Mussalmans, be deprived of using fish oil? The Government ought to have taken steps to

stop all adulteration of ghee, but when they come forward and encourage adulteration with vegetable ghee and not with fish oil, they are showing partiality to one class of people and they are doing injustice to another class of people. Coming to the sugar-candy industry: I appealed last year, but it is now dead and gone. The epitaph written on the tomb of this particular industry will be "here lies buried in this grave an industry which has died because the Commerce Member did not take action under the Safeguarding Act which the Assembly gave him to do". The second thing I raised was about soft sugar. The Commerce Department did not know that there was something like soft sugar imported from other countries. The only reply that the Government gave me was that no such representations were made to them. But the persons who were to make representations are now under the grave and they cannot make any representation from the other side of the world. If our Commerce Department had been well informed, they would have at once jumped upon the idea, and as soon as the first instalment of soft sugar began to arrive, they ought to have started an enquiry at their own initiation and not wait for some representation. The Government ought to have taken timely action, but they always wait and wait and wait for some strong representation. Their arguments that no representation has been made have no force. What is the use of those representations? People are fools if they spend time and money to make representations to the Commerce Department, because it is well known that only those persons are heard who have a strong voice in the Assembly and who have a strong influence with the Government of India. Weak industries which are not strongly represented have got very little chance of being heard in this House.

Next I come to the hosiery industry, and I must say that injustice has been done. There is no doubt we have done some justice in the case of earthenware by having graded duties according to sizes. I submit that in the case of the hosiery industry also, there should have been a graded duty, a smaller duty on the smaller size and greater duty on the greater size. But what we have done here is—

"Takika bap Takika kaja"

"Sweets and vegetables all sold at half-anna per seer" and every kind of hosiery has been dealt with on the same level. This unscientific method is not unknown among the Treasury Benches. Two years ago, the Finance Member came forward and said that all duties, whatever they may be, should be increased by 25 per cent. They did not take the trouble to see whether any particular commodity could or could not stand the increase in duty. It is absolutely necessary that we ought to study everything very carefully. If the Government should be a tyrant to trade, they should be a benevolent tyrant, they should not do injustice to one particular trade and justice to another trade. The volume of trade has diminished very much and, I am afraid, by these Acts the volume of trade will in future deteriorate much further.

(Mr. Jog and Mr. Ranga Iyer both stood up, but Mr. President called on Mr. Jog to speak.)

Mr. S. G. Jog (Berar Representative): I am sorry I am coming in the way of my esteemed Deputy Leader. But I think that my Deputy Leader had so many chances in this debate that he will excuse me if I come in his way.

Mr. C. S. Ranga Iyer: I am sorry I could not look behind. (Laughter.)

Mr. S. G. Jog: I thought he looked all around. When the Bill was under discussion in the previous stages, I had a mind to intervene in the debate, because I wanted to make a few points, but later on I thought that, if I raised those few points, probably I would be out of order so far as those points were concerned. The only opportunity for me to raise those points is at the third reading of the Bill where I can give expression to my views and to my grievances.

I quite realise the fact that the Commerce Department, particularly during the last two years, has been hard working and they have been receiving so many representations from different industries that they find it difficult to cope with the work on the whole. The Commerce Department has on the whole done their best and they brought forward this Bill which touches only a few industries, but I think the Commerce Department have received representations from many other industries. I must congratulate the Members of the Select Committee who have expressed their regret for their handicap in not being able to touch some other industries although they deserved some relief. I am particularly referring to the lantern industry the grievances of which I brought to the notice of the Commerce Department by putting a few interpellations in November last before this Bill was introduced. Probably the Commerce Department, being busy with other industries, had no time to investigate the case of the lantern industry fully. What I mean to say is that, after this Bill is passed, the Commerce Department should not relax their energy, but they should be quite conscious of the fact that there are some other industries which also deserve some protection, some shelter, either temporary or permanent. This lantern industry particularly is an industry of some importance in India and I know from personal experience that it has taken some time to develop and it is producing very good articles. Recently it has come into competition with America and Japan, and the depreciation of the dollar, like the depreciation of the yen, has brought this industry in danger of extinction. This industry, so far as I know, has supplied even our Military Department with lanterns. I am not going to tire the House or the Commerce Member with any additional figures, because I have got their full case with me. What I want to impress upon the Commerce Member is that they should fully investigate this case. I do not want to be partial to this industry only. There may be other cases and I cannot suggest in what proper way relief should be given to them, whether by bringing them under a similar Act or by a bounty or by a subsidy. But the thing is that these industries, whatever their magnitude may be, must be protected as they are in the national interests. It is not for me to suggest how these industries should be protected, but I earnestly appeal to the Commerce Member to find out ways and means by which they may be protected. Taxation is always a difficult and delicate matter as it involves the interests of the consumers, the interests of the producers and the interests of the importers. But taxation is the only thing where communal considerations do not play any part at all. The God of Death and the Commerce Member's taxation are the only two institutions which make no difference between community and community. They decide questions on the merits of each case. And I must sincerely congratulate the Commerce Member that in spite of the difficult and delicate issues involved in these questions, where Japan, Lancashire and British industries are concerned, he has been able to pilot this Bill to the satisfaction of many people. It may not have come up to their expectations or it may

not have satisfied the expectations of some people, but in tariff measures it is inevitable that it will do some harm to a small section. We must, however, take a broad view of things, and we have to see what is in the interest of India as a whole. If we protect these industries and give them timely shelter, the consumers' interest is hidden in the interest of the industries. With these words, I again appeal to the Commerce Member not to neglect the industries that have not been covered by this Bill and not to relax his efforts in any way and to see that protection is given to the other industries which deserve to be protected.

Mr. B. Das: Sir, it is a very small consolation to me that at last this belated measure will be placed on the Statute book. Sir, I wish to give Government a warning. They are between the devil and the deep sea. They want to protect the small industries, some of which, as I have shown in my minute of dissent, are going to vanish for ever unless the Commerce Member bucks up and tries to protect such other industries as are not included in the present Bill. But he is afraid of the Japanese people. The Japanese delegation is still in Delhi and probably the Japan Foreign Ministry is sending frantic wires to London, and India is told that Japanese industries are threatened with dire distress, which view point also was reflected in the speeches of some of the Honourable Members on the floor of this House. Naturally I can see why the Commerce Member, though he expresses so much sympathy, does not go whole-heartedly to give a certain amount of protection, as my Leader pointed out a few minutes ago, to certain industries which have been excluded. I am very much grieved that my Honourable friend, Mr. Lahiri Chaudhury, subscribed to, and the Commerce Member accepted, the variable protective tariff on the earthenware and pottery industry of India. Everybody knows the immoral commercial policy of Japan. Japan will never manufacture 7½ ounce tea cups or eight ounce tea cups. The market will be flooded soon with seven ounce tea cups. The same will happen with 19 ounce tea pots and 11 ounce tea pots; so that the trades people of India, the importers, who are always out to make a little more money, without having any business morality, will sell low sizes of goods and the pottery industry will be killed. (Interruption by Mr. S. C. Mitra.) My Honourable friend, Mr. Mitra, suggests to the Commerce Member that if he puts a higher duty, the Japanese commercial immorality will vanish. I do hope, the Honourable the Commerce Member will accept that advice.

Mr. S. C. Mitra: There is no question of immorality; it is business.

Mr. B. Das: I am entitled to my views, and the words that I use are not unparliamentary and I proclaim here that the Japanese have been immoral in their aggressive commercial policy and India must beware of them.

Sir, my friend, Dr. Ziauddin, challenged us, the Democrats. The Democrats have always been patriots. They support this measure as patriots as they opposed the Ottawa Agreement as patriots and I challenge the Independents to show the same patriotism when the Textile Protection Bill will be discussed on the floor of this House a fortnight hence.

Mr. S. C. Mitra: We will satisfy you.

Mr. B. Das: Then we will know that you stand by India and are not influenced by other extraneous considerations.

Sir, I will make one final appeal. I did not challenge a division this morning and allowed the provision about the crockery industry to pass, but I do hope Government will apply their genius and their experts will study the situation, not only of the pottery industry but of other industries also, to see if a certain amount of protection cannot be given to them in a supplementary Bill. Another thing is this. This is not a revenue taxation Bill. I want a reply from the Honourable the Commerce Member whether the Commerce Department or the Finance Department will examine from time to time the rise in price level or fall in price level of foreign commodities; so that we may know how they are going to adjust the price level and these tariff rates as are included in this Bill or as would be included in subsequent supplementary Bills. It is no use raising the tariff and leaving it to the future and Government not exercising any control to check these price levels or tariff rates.

Mr. A. H. Ghuznavi: Sir, if any of my words or statements gave the idea to the Commerce Member that I was saying that he deliberately brought this measure of raising the tariff to give imperial preference by the back door, I offer him my sincerest apologies. It has not been my intention to say so: all that I wanted to say is this: that by this rise in prices it will be possible for British goods to compete and it will not give any protection to our industries. I would welcome imperial preference if I knew that it was imperial preference that was being given here in raising these duties. But I find that, it will neither give any preference to Britain, nor any protection to our industries: it will give other countries—not Japan, but other continental countries—a chance to flood our market with their goods. After all, we Indians and Englishmen are destined to live together, therefore, what is our interest is their interest, and their interest is our interest. This is a temporary measure; a new Bill will be coming on shortly; what I want to say to the Honourable the Commerce Member is that if you really want to give protection to the Indian industries, you have our whole-hearted support; you must, however, bear in mind that Japan's efficiency and method of business is such that any amount of high tariff that you may put on will not be able to protect the Indian industries; only by way of friendly negotiation with that country you can restrict their exports to this country, through the quota system. By that method, their exports will be gradually diminished, and home manufactures (*An Honourable Member:* "will die") will be increased.

My Honourable friend, Mr. Ranga Iyer, the other day remarked that Japan had increased the duty on pig iron by 200 and 300 per cent. Here is the import tariff of Japan

Mr. C. S. Ranga Iyer: If I may interrupt my Honourable friend, I made no such statement: what I stated was that Japan has not been taking our pig iron as she used to take before. He can read my speech if he has any doubts about it. I never spoke about import duties: they actually ceased to take our pig iron.

Mr. A. H. Ghuznavi: I think then that Mr. B. Das referred to it. He is not correct. He is absolutely wrong

The Honourable Sir Joseph Bhoré: If I may explain the point, I think, the real point at issue is this: if any mention was made, I think the point made was that they had increased their duty by 250 per cent.

Mr. A. H. Ghuznavi: That is what I was saying: they have not done so. The duty was, say, Rs. 5 *ad valorem* and they have now put it up to Rs. 15: that is 200 per cent. of Rs. 5, not 200 per cent. of the value *ad valorem*. That is the point. Here you are putting 200 per cent. on the value; there it is *ad valorem*

The Honourable Sir Joseph Bhoré: But will my Honourable friend not deal with the commodity in which he is so interested, namely, hosiery, on which I pointed out what the duty was?

Mr. A. H. Ghuznavi: I am really surprised that the Honourable the Commerce Member compares India with Japan. Take the efficiency of their trade and their overwhelming production: certainly they must protect themselves: they produce all that they can absorb and then they proceed to capture the world markets. We cannot meet our own demands: we cannot manufacture even 20 per cent. of our needs. If there is that tariff wall—and I am told that it is not so, at least not as high as 250 per cent—they have got to have it, because their production is so overwhelming: they must find outside markets. Surely they will not allow outsiders to come in: and, of course, if they could, they would have stopped any imports entirely, but they cannot and, therefore, they are raising their tariff wall high. You cannot compare Japan with India. We cannot manufacture anything at all to that extent: they manufacture all that they require: the whole of Japan is provided for, except for food stuffs; and that is the reason why they are putting up their tariffs.

There is one other matter and I have done. These hosiery industries were started in 1905. I was the first pioneer to start the hosiery industry in Bengal. (Hear, hear.) What did the Government do then in 1905? Up to 1918 what have they done? (*An Honourable Member:* "Nothing.") Japan was not then in the field. Our industries were destroyed by the Government, not by Japan

Mr. F. E. James: Russo-Japanese War!

Mr. A. H. Ghuznavi: That opened our eyes and did a lot of good to us. As regards my Honourable friend, Mr. Neogy's eloquence, I have heard him with very great attention, the wonderful eloquence with which he opposed my amendment. But may I ask him where he was when this exemption was given in the Wheat Bill? We did not hear his eloquence then. Then, my Honourable friend, Sir Abdur Rahim, and Dr. Ziauddin Ahmad said the other day to the Commerce Member: "What have you done about agricultural products? What have you done to raise their prices?" The reply was: "Yes, I have done so: the Ottawa Conference helped to sell our goods." Dr. Ziauddin Ahmad asked: "But what about the prices?"; and the reply was: "Oh, prices: if we had not gone to the Ottawa Conference, we would not have been able even to sell our products." On his own admission, therefore, up to now he has done nothing to raise the prices of agricultural products—excepting one—that I must say—and his name will go down to history as a result of the master-stroke of statemanship with which he negotiated with the Japanese Government about their purchase of cotton from India.

Mr. K. O. Neogy: Does the Honourable Member propose to support any idea of stopping the imports of rice, very cheap rice, from Japan to India? If so, why? Is he not subsidising Indian inefficiency because Indians cannot produce rice as cheaply as Japan?

Mr. A. H. Ghuznavi: My Honourable friend knows nothing about rice. (Laughter.) The price of rice is bound to be cheaper in India than in Japan; labour is cheaper in India. You cannot say that Japanese rice is cheaper than the rice we get here. Of course, they do import a certain cheaper quality which most people would not care to take.

Well, Sir, I would request the Honourable the Commerce Member to do one thing. Whatever may be the result of this measure,—of course it will be passed as a temporary measure,—when he brings forward his new Bill, he should consider ways and means by which he can enter into friendly negotiations and save the Indian industry.

Sir, according to the *Statesman* which I read yesterday, my friend is reported to have said referring to me; “When I die, the word hosiery will be found inscribed in my heart”. Sir, I am somewhat curious to inquire what word would be found inscribed in the heart of my friend, Sir Joseph Bhore, when he dies, for, Sir, even the occupants of the Treasury Benches will one day be translated to Heaven. I should have thought that some curious word would be found inscribed on his heart, but I need not trouble myself to find out the word, for I have very grave doubts whether a Member of Government has any heart at all.

Diwan Bahadur A. Ramaswami Mudaliar: Mr President, I propose to be very brief and to offer just a few remarks on the occasion of the Third Reading of this Bill. I would be failing in my duty if I were not to congratulate the Honourable the Commerce Member on piloting this measure now before this House. Sir, some hard things have been said of the Honourable the Commerce Member and of the Commerce Department by some critics in this House, but I do not think the strongest of them will deny the fact that during the last eight or nine months, a peculiar and a very heavy strain has been put on the Honourable the Commerce Member and on his Department, and we should all be grateful to the Honourable Member and his Department for the indefatigable energy that they have shown, for the patience, the tact and ability with which they have conducted the negotiations, and for the amount of work that they have put on behalf of this country (Applause), and I would like to add in this compliment the name of my esteemed friend the Honourable Sir Frank Noyce, who has been equally assiduous in the discharge of his duties on behalf of our country.

Sir, I should at the very outset deprecate the remarks that have been made by my friend, Mr B. Das. Some of us more often than not speak in a very lax way in this House without weighing our words, and I venture to add, without a due sense of responsibility that attaches to us as Members of the Assembly.

Mr. B. Das: I feel as much responsibility as you feel.

Diwan Bahadur A. Ramaswami Mudaliar: I venture to think that no responsible Member of this House, particularly in these days when our country is in a position to directly negotiate commercial treaties with foreign powers, should make remarks about the *bona fides* or particularly

the moral character of that foreign country or its people. In the first place, it is much too ridiculous to classify a whole nation as an immoral nation, whatever that nation may be. In the second place, while in these days we are thinking of protecting the Indian princes, who live in our own country and are our own people, I think the time has come when we should be much more careful in weighing our words and describing the actions and conduct or the character of any foreign people, and of a nation so closely and intimately associated with our fortunes as the Japanese nation undoubtedly is. I have made these remarks not with a view to unduly criticising my friend, Mr. B. Das, but with a view to pointing out at a very early stage that the House as a whole and every Member of it must feel a sense of responsibility in these matters, and I would go further and say that my friend, Mr. B. Das, made those remarks merely in a light-hearted fashion and that he did not mean what he said about the Japanese people, and that no Member of the House will venture to corroborate or to confirm any of those statements about the characterisation of the Japanese people

Mr. B. Das: I am sorry I am not convinced.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, on the Bill itself, I have only one observation to make, and that relates to the very much discussed question of hosiery. The Honourable the Commerce Member has admitted himself that no protection is intended to be given to that industry under this Bill, and that, if any question of protection arises at all, it can only arise under the other Bill that he is going to introduce, I mean the Textile Bill. If you compare the duties that have been proposed, you will find that the duties are exactly the same but charged in a different manner, and, therefore, at this very early stage I should like to make an appeal to him. We on this side of the House cannot increase the tariff duties proposed by Government; any increase can only come from the Government, and I venture to put forward these considerations. It is true that the Tariff Board has examined these questions, but their recommendations are vitiated by one or two considerations. In the first place, much water has flowed under the bridge since the Report of the Tariff Board was made. It is almost archaic in some of its recommendations, and that in itself is a consideration why the Commerce Member should revise the decision of the Tariff Board and not be bound down too much and too closely by its recommendations. In the second place, I should like to make another statement. The other day, a gentleman coming from Assam, described that place as the cinderella of all Provinces; in spite of the fact that both my esteemed friends on the Treasury Benches come from Madras, I should say that Madras is the real cinderella of all Provinces. Here is a Tariff Board which sits and goes into all these questions, and examines the textile industry. Take its Report and read its opening paragraphs. Look at its itinerary. Bombay, Ahmedabad and Calcutta. They did not know that there was such a place as Madras in the geography of India. They did not care to visit it, in spite of the fact that the hosiery industry is a very important industry in Madras

The Honourable Sir Joseph Bore: May I point out that they sojourned for a long time at Ootacamund, and I think Ootacamund is in the Madras Presidency.

Diwan Bahadur A. Ramaswami Mudaliar: My Honourable friend, the Commerce Member, has used the right word—"sojourned". They

[Diwan Bahadur A. Ramaswami Mudaliar.]

sojourned at Ootacamund for rest. It is a delightful place, the best hill station in the whole of India, and it is perfectly true that, like many other Committees from the Indian Cinematograph Committee which established a precedent in this respect down to the Tariff Board, they sojourned in Ootacamund to write their Report, but they did not conduct any inquiry there, they did not care to go down to places like Madura where the hosiery industry is thriving. Probably they thought that these were only subsidiary industries and, therefore, they dealt with this industry in a very subsidiary manner, and I want to point out that if they had only calculated the cost of production with reference to the Madras industry and had gone into the figures, they would not have made the recommendation that they have made in their Report, and, therefore, my point is that the recommendation which they have made on the basis of that cost is vitiated by the fact that they had not got all the materials before them. Some of the industries did not come forward,—either the Tariff Board's communiqué was not broadcast as much as it was necessary or they did not make their itinerary sufficiently well known, or the fact that they were making this inquiry was not sufficiently understood by the industry, but it is a fact that when the Tariff Board was examining this question, they had not all the materials before them, as they themselves admit in their Report. And my idea in bringing this matter before the Honourable Member is to request him to see that before he comes forward with his next Bill and places it before the House, he should reconsider this question and see whether the protection afforded under that Bill is adequate and sufficient, for if it is not adequate, if it is not sufficient, it is worse than introducing any protection at all. Let me make it perfectly clear. It does not protect the industry; it throws a burden on the consumer unnecessarily. If the indigenous industry is not in a position to compete fairly and equally, that protection is worse than useless; it is harmful, it does no good to anybody, and it merely brings in a certain amount of revenue to the Government and does nothing else. I do not want that kind of false protection to our industry. If the industries are to be given protection, they should be given adequate protection. When the other Bill is taken up, I hope to show by facts and figures, and by calculations which are beyond dispute that the protection under that Bill is totally inadequate. Therefore, I venture to make a very humble appeal to the Commerce Member that, before he makes up his mind finally, he would consider the question. I read a hopeful message in the speech which he made the other day. He said over and over again that the decision under this Bill is not final. He asked the House to accept that he was not making a final decision and that the House was not making a final decision in respect of the amount of protection that should be given to the hosiery industry. If I understand that aright, it merely means that the Commerce Member is still open to conviction and I hope that the representations that he has received from the Madura Ramnad Chamber of Commerce, from the Southern India Chamber of Commerce and from other bodies in Madras which particularly deal largely with hosiery will be given due consideration, and that the Commerce Member will be in a position to revise his decision on the subject. I once more congratulate the Commerce Member on his piloting through a Bill by which the future of many small, petty industries and proprietors in this country has been ensured. (Applause.)

Mr. Sitakanta Mahapatra (Orissa Division: Non-Muhammadan): Sir, discussions on this Bill have revealed to me, a new Member in this House, that this House contains a large number of Members to champion the cause of importers, a still larger number to safeguard the industrialists, and an overwhelmingly large number of Members advocating the cause of the commercialists. But, although the cause of the agriculturist, and, in a sense, the consumer, is so important, voices in his favour have been rather feeble though I believe that Government are in sympathy with him. This has been, I believe, because the agriculturists, although about 75 per cent. in the country, are not at all organised. Every trade and every profession in India is fairly well organised. A small group of men came from Calcutta interested in the enamel industry and by means of propaganda they could turn the tables today against the decision of the Select Committee. Such is the force of organisation and propaganda. But the vast number of men who are agriculturists cannot force their will in this House, because they are not organised.

There is another aspect of the thing. The public galleries are crowded with visitors interested in industries and commerce. Newspapers in this country are in the hands of industrialists and commercialists. Members of this House are always conscious of this. They know that they are being watched by men interested in industries. But the peasant in the country who sends them here won't know what they are doing here. After 150 years of British rule and 14 years of direct elections to the Assembly, the agriculturist does not know how to force his will in this House. The other day, rich men who have put their money in the film industry formed a Film Group in this House. What about the agriculturists? Another Tariff Bill is coming soon. Walls and embankments of protection are going up and up every day. Once protection is given to an industry, it never likes to part with the advantage and moves heaven and earth for continuing it. Where is an end to it? Protection may be given to an industry at its infant stage. But that infant stage never goes. For causes, over which he has no control, the agriculturist is the hardest hit person today. What I suggest is that the time has come when Members of this House, who sympathise with the woes and difficulties of the agriculturists, should organise themselves to safeguard the interests of agriculturists which are being horribly undermined every day. I hope my Honourable friend, Raja Bahadur Krishnamachariar, will interest himself in this matter and take the lead in forming an Agriculturist Group. These safeguarding and protection measures are all taxations in disguise, and the consumers and the agriculturists are the worst affected by them. I am not against them where they are necessary. But I think the present time is not opportune for it as the prices of agricultural products are still at the lowest and consequently the purchasing power of the people is also very low. I hope that a measure to raise up the price of rice will be brought in at an early date.

The Honourable Sir Joseph Bhore: Sir, there is very little I think left for me to say in bringing this debate to a close. I think that it would be a futile task for me to attempt to answer my Honourable friend, Dr. Ziauddin, because no answer that has ever been given to him from this side is ever taken on its merits. I think that that is due very largely to the fact that like so many great minds he is afflicted possibly with absent-mindedness. (Laughter.) I am sorry he is not here, but a story was told to me about him when he was Vice-Chancellor of the Aligarh

[Sir Joseph Bhore.]

University. I was told that on one occasion he was deep in thought over a great problem. He went out for a walk and he returned from that walk. Then, Sir, in a fit of absent-mindedness thinking that he would rest, he left his walking stick on the bed and went and stood in the corner. (Laughter) I am sorry that my Honourable friend is not here in the House, because I should have liked to have got confirmation of that story from him. I need only repeat that, as I said this morning, my Honourable friend, Dr. Ziauddin, being a great mathematician, and we all know, familiarity breeds contempt,—he has the utmost contempt for figures when they are produced by others than himself. (Laughter.)

I can assure my Honourable friend, Mr. Jog, that his appeal will not fall on deaf ears. In taking action in respect of the industries in this Bill, we do not mean to say that we have acted once and for all and that we are never going to enquire into the case of any industry that may come up to us in future with a reasonable case.

I think before I close I ought to express my deep appreciation and the appreciation of my Department, and if my Honourable colleague will permit me, his appreciation as well of what fell from Diwan Bahadur Ramaswami Mudaliar. With regard to the special point that he made in respect of the Textile Bill, which I have already introduced, I would merely say this that he could not expect us lightly to set on one side or to deal lightly with any recommendation that has proceeded from an authoritative body like the Tariff Board. But, Sir, when a Government measure comes before this House, I for one would never assume the position that Government have once for all finally made up their mind and that this House has no business even to advance arguments on the other side. I, Sir, am always ready to keep an open mind. I hope that that remark will in some measure prove a consolation to my Honourable friend. I do not know whether it is a very material consolation, but I shall look forward to the debate in which he promises to satisfy me, by arguments and by figures that the duties which we have entered in the Bill are insufficient. Sir, I thank the House for the way in which it has accepted the Bill and the manner in which it has passed it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th February, 1934.

LEGISLATIVE ASSEMBLY.

Friday, 16th February, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

129. ***Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to an article "Life of a Travelling Ticket Examiner" as published in the *Railway Times*, Bombay, dated the 4th November, 1933, and reproduced in the *Muzdoor*, Khagaul (Dinapore), and the *Railways*, Calcutta, dated the 6th December, 1933, respectively? If so, will Government be pleased to state whether the complaints contained therein are correct?

(b) Is it true that the Travelling Ticket Examiners on the East Indian Railway are pressed for high earnings and, in case the earnings drop, their explanation is called for?

(c) Is it true that surprise checks are invariably performed on the East Indian Railway under the direct supervision of the Traffic Inspectors?

(d) Have the results of the check under the charge of the Traffic Inspectors been better than those performed under the supervision of the Ticket Inspectors?

Mr. P. R. Rau: (a) I have not been able to discover anything in the article referred to which calls for the intervention of Government. The writer of the article himself appears to have confidence in the capacity of the Agent of the East Indian Railway to redress whatever grievances exist.

(b) No.

(c) and (d). Government have no information. They have left these details of administration to the Agent of the Railway, and are not prepared to interfere.

GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

130. ***Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to an article "Travelling Ticket Examiner on the East Indian Railway" published in the *Muzdoor*, Khagaul (Dinapur) dated the 6th December, 1933?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state:

- (i) why the card passes of the Travelling Ticket Examiners on the East Indian Railway have been withdrawn;
- (ii) whether the passes for any other employees are also withdrawn; if not, why not;
- (iii) whether the Travelling Ticket Examiners on any other Railway are still provided with duty passes;
- (iv) whether the Travelling Ticket Examiners are booked with a train like Guards;
- (v) what authority has been given to them to carry their luggage which they usually take with them when out of headquarters for long periods;
- (vi) whether the privilege of a servant to those who are entitled to it has also been withdrawn; if so, whether this treatment has been accorded to the Travelling Ticket Examiners alone, or to any other staff as well;
- (vii) if the reply to part (vi) above be in the negative, in the absence of a duty pass, what authority is given to them to take their servants when required;
- (viii) whether it is a fact that relieving Assistant Station Masters who are entitled to a servant are allowed this on their duty card pass (intermediate class);
- (ix) whether it is a fact that officers while travelling on duty even in their reserved carriages have to be in possession of passes (metal or card);
- (x) how far the action of withdrawing passes from the Travelling Ticket Examiners is consistent with the provisions of section 68 of the Indian Railways Act, which reads as under.

"No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket."

- (xi) on what dates the orders of withdrawing the passes from the Travelling Ticket Examiners were issued in Howrah, Asansol, Allahabad, Lucknow, Dinapur, and Moradabad Divisions;
- (xii) whether it is a fact that a guard who is booked with the train and has no pass cannot travel anywhere except in his brake van and a Travelling Ticket Examiner has to travel anywhere and everywhere except the engine and the brake; and
- (xiii) what action Government propose to take to restore the privileges to which the Travelling Ticket Examiners were entitled to by virtue of the passes and under the pass rules, *viz.*, a servant, luggage, a cycle, etc., etc.? If none, why not?

Mr. P. R. Rau: (a) Yes.

(b) The questions dealt with in this article are entirely within the competence of the Agent, East Indian Railway, to settle. The staff aggrieved have moreover the usual constitutional channels of having their grievances redressed.

GRANT OF MILEAGE ALLOWANCE TO RAILWAY EMPLOYEES.

131. *Mr. M. Maswood Ahmad: With reference to the reply to starred question No. 1363, part (a), in this House on the 11th December, 1933, will Government be pleased to state:

- (a) whether firemen, shunters, and engine-khalasis are paid mileage allowance;
- (b) whether a driver is connected with the charge of a moving train, or the fireman and others mentioned in part (a) above are also connected;
- (c) whether it is a fact that a brakesman and train despatch clerk are paid mileage allowance; if so, whether they are connected with the charge of a moving train;
- (d) whether the consideration of an employee as running staff is based on the actual duty performed by him in the running train or on any other consideration; if so, what those considerations are; and
- (e) if it is a fact that the Travelling Ticket Examiners while travelling perform duty in the running train?

Mr. P. R. Rau: (a) I presume my Honourable friend is referring in these questions to the North Western Railway. Firemen and shunters are entitled to mileage allowance.

(b) Drivers and firemen are connected with the charge of moving trains and shunters and firemen are connected with the charge of moving engines.

(c) Brakesmen perform duties connected with the charge of a moving train and are entitled to mileage allowance. I am informed that there are no employees who are designated as train despatch clerks on the North Western Railway.

(d) I have already stated in my reply to paragraph (a) of question No. 1363 on the 11th December, 1933, that the staff performing duties directly connected with the charge of a moving train are treated as running staff.

(e) Travelling Ticket Examiners do not perform duties directly connected with the charge of a moving train.

MILEAGE ALLOWANCE TO THE TICKET CHECKING STAFF.

132. *Mr. M. Maswood Ahmad: (a) With reference to the reply to starred question No. 1361 (a) in this House, dated the 11th December, 1933, will Government be pleased to state:

- (i) whether an amendment (if any) was made before abolishing mileage allowance offered to the ticket checking staff at the time of their appointment, or it was done after it was abolished;
- (ii) why this amendment was not notified to the employees by a Circular or Gazette Notification; and
- (iii) whether it is not obligatory for the administration to maintain corrected and up to date copies of the rules?

(b) Will Government be pleased to lay on the table a copy of this amendment, and also state the date when it was communicated to the Agents of the State Railways in India?

Mr. P. R. Rau: (a) (i), (ii) and (iii). Government do not consider that any formal amendment was necessary.

(b) Does not arise.

ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

133. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state:

- (i) if Ticket Inspectors on the East Indian Railway, who are governed by Company Rules (old East Indian Railway), are paid night allowance in terms of their agreement; and
- (ii) whether in the Moody-Ward Report such night allowance is allowed to Inspectors, or daily allowance is mentioned?

(b) Is it a fact that the East Indian Railway authorities sometime back issued a circular, asking the staff to give their choice whether they liked to retain the nature of allowance drawn by them or they wanted it to be regulated as per Fundamental Rules?

(c) If the replies to parts (a) and (b) above be in the affirmative, will Government be pleased to state why the mileage allowance of the old Travelling Ticket Inspectors has been compulsorily substituted by the consolidated allowance?

Mr. P. R. Rau: (a) and (b). Government have no information, but are making enquiries.

(c) I would refer the Honourable Member to the reply given by me to Sardar Sant Singh's starred question No 476 on the 4th September, 1933.

NON-INCLUSION OF TRAVELLING TICKET CHECKING STAFF IN THE RUNNING STAFF ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

134. ***Mr. M. Maswood Ahmad:** (a) With reference to the reply to the supplementary question by Dr. Ziauddin Ahmad to starred question No. 1361 on the 11th December, 1933, in this House, will Government be pleased to state if the travelling ticket checking staff on the East Indian Railway and the North Western Railway are not included in the running staff, amongst what staff are they included?

(b) Is it a fact that they not only travel in trains but do ticket checking duty in the running trains?

Mr. P. R. Rau: (a) I would refer the Honourable Member to my reply to part (d) of Sardar Sant Singh's question No. 1369 of the 11th December, 1933.

(b) Yes, but they are not in charge of the train.

NON-GRANT OF HILL ALLOWANCE TO THE TRAVELLING TICKET EXAMINERS POSTED AT HARDWAR.

135. ***Mr. M. Maswood Ahmad:** (a) With reference to the reply to question No. 1345 in this House, dated the 11th December, 1933, as laid on the table on the 29th January, 1934, will Government be pleased to state

whether the Ticket Collectors and the Travelling Ticket Examiners, if posted at Hardwar, either temporarily or permanently, are entitled to hill allowance? If not, why not?

(b) Is it a fact that some Travelling Ticket Examiners were posted at Hardwar for a few months when the Moody-Ward system was introduced from the 1st June, 1931?

(c) Are Travelling Ticket Examiners posted during *melas* at Hardwar for long periods?

(d) Why are Travelling Ticket Examiners alone not paid, and have not been paid in the past, this hill allowance when posted at Hardwar, either temporarily or permanently?

(e) Are Government prepared to take action that they are now paid this allowance and that they are paid for the days in the past?

Mr. P. R. Rau: I have called for the information and shall lay a statement on the table in due course.

ABSENCE OF MUSLIM INSTRUCTORS AND CLERKS IN THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

136. ***Mr. M Maswood Ahmad:** Are Government aware and if not will they please enquire and state, whether it is a fact that there is not a single Muhammadan amongst the Instructors and office (clerical) staff at the Railway School of Transportation, Chandausi, East Indian Railway? If so, do Government propose to remove this anomaly? If not, why not?

Mr. P. R. Rau: Government consider that it is impossible to take into account communal considerations in fixing the staff of individual offices and are not prepared to issue instructions to Agents to reserve a percentage of posts in any individual office for any particular community. The results of the general orders relating to recruitment which provide that a certain proportion should be reserved for minority communities can only be tested by taking the railway system as a whole.

ELIGIBILITY OF SUBORDINATE RUNNING STAFF FOR LEAVE WITH PAY ON STATE RAILWAYS.

137. ***Mr. N. M. Joshi:** Will Government be pleased to state whether the subordinate running staff are eligible for any leave with pay on the State-managed Railways? If so, how much? If not, why not?

Mr. P. R. Rau: There are no special rules governing subordinate running staff who are governed by the same rules as other railway staff. Copies of these rules are available in the Library of the House.

Mr. N. M. Joshi: May I ask why this subordinate running staff are not eligible for any leave on full pay?

Mr. P. R. Rau: I do not think that is so, Sir. Like other railway servants, they are entitled to leave on full pay.

APPLICATION OF NEW LEAVE RULES TO THE MONTHLY-RATED RUNNING STAFF ON STATE RAILWAYS.

138 ***Mr. N. M. Joshi:** Is it a fact that the monthly-rated running staff on State Railways coming under new leave rules, are not eligible for

30 days' leave on half pay on medical certificate, unlike the daily-rated running staff? If so, will Government kindly state the reasons?

Mr. P. R. Rau: So far as I am aware, the rules relating to monthly-rated staff are more favourable but if my Honourable friend, after again perusing the rules, copies of which are in the Library, will tell me what exactly he refers to, I shall endeavour to supply him with an answer.

PAY OF THE RAILWAY RUNNING STAFF ON CASUAL LEAVE.

139. ***Mr. N. M. Joshi:** (a) Are Government aware that in the case of the running staff, their actual pay is usually assessed by including the average overtime and mileage earned during the preceding twelve months subject to a maximum of 75 per cent. of the substantive pay?

(b) Are Government aware that when the running staff are on casual leave, they are paid only on the basis of substantive pay, and if so, will Government be pleased to state why the running staff on casual leave should not be paid on the same basis, as observed when granting privilege leave?

Mr. P. R. Rau: (a) Yes.

(b) Casual leave is considered not as leave, but as duty.

WORKING OF THE STATE RAILWAY PROVIDENT FUND SCHEME.

140. ***Mr. N. M. Joshi:** (a) Is it a fact that Government have undertaken an actuarial examination of the working of the State Railway Provident Fund Scheme, and if so, will Government be pleased to state the full terms of reference of the enquiry and the time when the examination is expected to be completed?

(b) Will Government be pleased to state whether they have taken any action to extend the benefits of the Provident Fund to those railway men who are now not eligible for the same?

Mr. P. R. Rau: (a) Yes. Necessary data are being collected to enable the Government Actuary to undertake the investigation. No terms of reference have so far been framed and it is not possible to say when the investigation will be completed.

(b) I presume that the Honourable Member is referring to the possible admission of inferior railway servants to the State Railway Provident Fund benefits. The question was under consideration in 1928, but has had to be postponed for the present on account of the expenditure involved.

RAILWAY STAFF BENEFIT FUND RULES.

141. ***Mr. N. M. Joshi:** Are Government aware that the staff Benefit Fund Rules, framed by the Railway Board, provide for five representatives elected by the staff without any restriction, and that the rules on the Madras and Southern Mahratta Railway restrict the election of representatives to staff getting comparatively higher pay, and if so, will Government be pleased to state whether they approve of this divergence from the prescribed rules of the Government of India?

Mr. P. R. Rau: The Staff Benefit Fund Rules apply in their entirety only to State-managed Railways. Company-managed Railways have been permitted to establish Staff Benefit Funds, and in the event of their doing so, the only rules that are binding on them are the rules regulating the amounts that may be paid into the fund and the objects to which expenditure from the fund should be confined.

UTILISATION OF THE RAILWAY STAFF BENEFIT FUND FOR RELIEVING THE DISTRESS OF RAILWAY EMPLOYEES AND THEIR FAMILIES DUE TO RETRENCHMENT.

142. ***Mr. N. M. Joshi:** Will Government be pleased to state whether the money of the Railway Staff Benefit Fund can be spent, according to the present rules, on relieving the distress of employees and their families due to retrenchment? Is it a fact that the Agent, Bengal Nagpur Railway, recently stated to the contrary?

Mr. P. R. Rau: Relief of distress amongst the members or *ex*-members of the staff or their families is one of the objects on which the committee have power to expend money from the fund. I am not aware of any statement to the contrary made by the Agent, Bengal Nagpur Railway.

Mr. N. M. Joshi: May I ask whether the Government of India would inquire from the Agent of the Bengal Nagpur Railway in this matter?

Mr. P. R. Rau: I am prepared to do that, Sir.

MACHINERY FOR A JOINT STANDING COMMITTEE ON RAILWAYS.

143. ***Mr. N. M. Joshi:** Will Government be pleased to state what action they have taken so far to implement the recommendations of the Whitley Commission in the light of the discussions with the All India Railwaymen's Federation on the subject of machinery for a Joint Standing Committee?

Mr. P. R. Rau: The question was discussed by the Railway Board with a deputation of the All-India Railwaymen's Federation twice last year, once in March and once in November. The suggestions put forward by the Federation are at present under consideration of the Railway Board.

Mr. N. M. Joshi: May I ask how long this recommendation of the Whitley Commission is to be under consideration?

Mr. P. R. Rau: My Honourable friend is aware that the suggestions made by them have not been accepted in their entirety either by the Railway Federation or by the Railway Department. The differences of opinion between the Railway Department and the Federation are not very many at present, and I hope a decision will be arrived at soon.

REDUCTION OF THE STATUTORY MAXIMUM OF HOURS OF PERMISSIBLE EMPLOYMENT OF RAILWAY SERVANTS IN A WEEK.

144. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose amending the Indian Railways (Amendment) Act of 1930 to reduce the statutory maximum of hours of permissible employment of railway servants in a week?

Mr. P. R. Rau: No such proposal is under consideration at present.

Mr. N. M. Joshi: May I ask why, when the Government of India are changing the Factories Act, the Railway Department also should not similarly consider the effecting of changes in the hours of work for railway men?

Mr. P. R. Rau: The changes in the Factories Act will, I understand, be applicable to the railway staff to a certain extent.

Mr. N. M. Joshi: Yes, but you are not proposing changes in the Indian Railways Act. It will only apply to the factories on the railways: I am asking whether you propose making a similar change in the hours of work for others.

Mr. P. R. Rau: Not at present, Sir

Mr. N. M. Joshi: May I ask, why?

Mr. P. R. Rau: It is a question of expense as much as anything else.

BRINGING OF THE RUNNING STAFF OF RAILWAYS UNDER THE HOURS OF EMPLOYMENT REGULATIONS.

145. ***Mr. N. M. Joshi:** Will Government be pleased to state what progress has been made in bringing the running staff under Hours of Employment Regulations?

Mr. P. R. Rau: Government have not yet amended the Railway Servants' Hours of Employment Rules so as to bring running staff within their scope.

Mr. N. M. Joshi: Where, may I ask, is the difficulty about the running staff?

Mr. P. R. Rau: I believe it was explained, when the original proposals were before this House, that the running staff are paid partly by monthly pay and partly by mileage and overtime, and a revision of the rules, in order to adapt them strictly to the regulations, might result in a considerable number of the staff having their emoluments reduced.

CITY ALLOWANCE FOR RAILWAY EMPLOYEES DRAWING NO SPECIAL ALLOWANCE FOR WORKING IN THE MADRAS CITY AREA.

146. ***Mr. N. M. Joshi:** (a) Is it a fact that the Governor General in Council was pleased to decide that with effect from the 1st November, 1932, the Madras Government Order No. 568, dated the 18th October, 1932, regarding the raising of the existing rates of Presidency allowances, shall apply to servants of the Central Government in Madras?

(b) Is it a fact that the Railway Board commended the application of the said order to the Madras and Southern Mahratta Railway employees stating "normally the Railway Board have followed the Local Government in such matters"?

(c) Is it a fact that there are many railway employees in Madras who draw pay on a scale in force both in the city and the mofussil and are not given any city allowance?

(d) Is it a fact that according to the Governor General in Council's decision referred to, such staff who have been deprived of extra allowance for working in Madras would be eligible for a special allowance, and if so, do Government propose to sanction the necessary city allowance for the class of railway employees drawing no special allowance for working in the Madras city area?

Mr. P. R. Rau: (a) Yes.

(b) The Agent, whose views were invited on the proposal, was against it.

(c) Government have no information.

(d) I need not remind my Honourable friend that the staff he refers to are not Government servants.

Mr. N. M. Joshi: I am sorry I did not follow the last few lines of the answer: whose staff are not Government servants?

Mr. P. R. Rau: The staff of the Madras and Southern Mahratta Railway: they are servants of the Railway Company.

SUBJECTION OF THE RAILWAY STAFF TO WAGE-CUTS.

147. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether the railway staff suffering loss in their earnings due to economy measures are also subjected to wage-cuts without any modification?

(b) Are Government aware that in such cases the staff are subjected to greater hardships, and do Government propose to exempt such staff from wage-cuts wherever the loss in earnings exceeds the loss that would be caused by wage-cuts?

Mr. P. R. Rau: The fact that workshop employees may have already suffered a reduction in wages by the imposition of short time has been taken into account in the rules governing emergency deductions. It has been provided that no deduction shall be made when the wages have been reduced by the imposition of short time by an amount equal to normal wages for 23 hours, and in case they have been reduced by a smaller amount, that the total reduction should not exceed the normal wages for 23 hours.

NEW SCALES OF PAY FOR SUBORDINATE RAILWAY EMPLOYEES.

148. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether the new scales of pay for the subordinate railway employees have been issued; if not, when are they expected to be issued?

(b) Will Government be pleased to lay on the table the principles which Government have commended to be followed in fixing new rates of pay?

Mr. P. R. Rau: (a) Government are endeavouring to introduce the new scales of pay as early as possible in the next financial year.

(b) The principle on which Government have asked Railways to proceed is that future scales of pay should be fixed with a view to suit existing conditions in view of the decline in the cost of living in India during the last few years. They have not prescribed fixed percentages of reduction in different categories of staff as they realise that the scope for reduction varies. Railways have also been advised that incremental scales should generally be restricted to the earlier years of service, but that, if it is considered desirable to retain incremental scales in the later stages, they should be confined to a very short range.

DISCUSSION OF THE NEW RATES OF PAY WITH THE ALL-INDIA RAILWAYMEN'S FEDERATION BEFORE ENFORCING THEM.

149. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to discuss with the All-India Railwaymen's Federation the proposals for new rates of pay before enforcing them?

Mr. P. R. Rau: Government propose to communicate to the All-India Railwaymen's Federation the revised scales of pay to be introduced on each of the State-managed Railways. They will be prepared to consider any representations from the Federation on the subject if they wish to make any.

Mr. N. M. Joshi: May I ask whether Government will give an assurance that they will not take any final decision before they discuss the matter with the Federation?

Mr. P. R. Rau: I am afraid it is impossible to give an assurance on that point.

Mr. N. M. Joshi: What is the use of merely communicating the decision afterwards?

Mr. P. R. Rau: But surely Government cannot be expected to delay decisions for ever till the discussions are finished?

PAYMENT OF ENHANCED BENEFITS TO RETRENCHED RAILWAY EMPLOYEES.

150. ***Mr. N. M. Joshi:** Is it a fact that the Pope Committee recommended payment of enhanced benefits for those retrenched under the present economy campaign? If so, have the recommendations been accepted?

Mr. P. R. Rau: There is a reference in the report to the attraction of enhanced retiring allowances if granted as a means of reducing the surplus staff on railways, but no definite recommendation has been made by the Committee on this subject.

I may add that the question of improving the terms for voluntary retirement was recently considered by the Railway Board who came to the conclusion that it was unnecessary in view of the fact that no block retrenchments of any large magnitude are, so far as is known at present, necessary in the near future on State-managed Railways.

ECONOMIES EFFECTED AS A RESULT OF THE ADOPTION OF THE POPE COMMITTEE'S RECOMMENDATIONS.

151. ***Mr. N. M. Joshi:** Will Government be pleased to state the number of posts abolished and the economies effected as a result of adoption of the Pope Committee's recommendations?

Mr. P. R. Rau: The information at the disposal of Government on the progress of the investigations initiated as a result of Mr. Pope's recommendations was summarised and placed before the Standing Finance Committee for Railways in a memorandum which was placed before them on the 2nd of February. It will be found on pages 30 to 33 of their proceedings, Volume X, No. VI. Government are not in a position to give any more detailed information at present on this question.

Dr. Ziauddin Ahmad: Will it be available to those Members of the Assembly who are not members of the Standing Committee?

Mr. P. R. Rau: These proceedings are circulated to Members of the Assembly.

DISPUTE IN THE EAST INDIAN RAILWAY WORKSHOPS AT LUCKNOW ABOUT THE RETRENCHMENT OF STAFF.

152. ***Mr. N. M. Joshi:** (a) Will Government be pleased to give full particulars regarding the present dispute in the East Indian Railway Lucknow Workshops about the retrenchment of the staff?

(b) Will Government be pleased to state whether the East Indian Railway Administration propose to discuss with the East Indian Railwaymen's Union, Lucknow, before discharging any workers?

The Honourable Sir Joseph Bhoré: (a) and (b). The position regarding retrenchment of staff in the East Indian Railway Lucknow Workshops is that early in December 1933, the East Indian Railway Administration found that there was a surplus of some 75 men in the Wagon Repair Shop and of some 182 men in the Loco. Shops. The East Indian Railwaymen's Union, Lucknow, were advised by the Agent that it was intended to retrench these numbers by orders of discharge and by the offer of special terms for voluntary retirement. The President of the Union addressed the Agent on the 22nd December protesting against this retrenchment. The Agent replied explaining that these men were surplus to requirements and that the Administration could not agree to their retention in service. The matter was explained to the President of the Union at Lucknow by the Chief Mechanical Engineer, East Indian Railway, on the 2nd January, 1934, and the position was explained to the workmen through the East Indian Railway Employment Officer stationed at Lucknow and by the Welfare Committee. Further correspondence ensued between the Agent and the President of the Union and on the 24th January the Agent said that he would be glad to give the President of the Union an interview in Calcutta but the interview did not take place. On the 3rd February the President wired to me asking for the appointment of a Conciliation Board as the Agent refused to cancel the retrenchment order or to discuss alternative proposals. The attention of the President has been invited to Rules 4 and 5 of the

Indian Trade Disputes Rules, 1929, laying down the procedure for the submission of applications for the reference of a trade dispute to a Court of Enquiry or Board of Conciliation under the Act. The retrenchments had effect from the 8th February.

DENIAL OF MAXIMUM PAY ON PROMOTION TO THE STAFF IN THE GOLDEN ROCK WORKSHOPS OF THE SOUTH INDIAN RAILWAY.

153. ***Mr. N. M. Joshi:** Is it a fact that the Workshop Staff in the Golden Rock Workshops of the South Indian Railway, when promoted to a higher grade, are denied the minimum pay of the new grade? If so, will Government be pleased to state the reasons for this practice?

Mr. P. R. Rau: Government have no information. The staff referred to are not Government servants but servants of the South Indian Railway Company.

NON-APPOINTMENT OF MUSLIMS IN THE RAILWAY SCHOOL OF TRANSPORTATION CHANDAUSI.

154. ***Mr. S. G. Jog:** (a) Is it a fact that Mr. P. R. Rau, in answer to parts (b) and (c) of unstarred question No. 186 of the 5th April, 1933, informed this House that the Agents of Railways are requested that the employment of an adequate number of Muslims as Staff or Establishment or Employment Officers and also Office Superintendents and Head Clerks, may be borne in mind in making appointments to such posts? If so, will Government please state the percentage of such posts in the Moradabad Division of the East Indian Railway?

(b) Will Government please state the reason under which no Muslim has been appointed to the Railway School of Transportation, Chandausi, since 1932?

Mr. P. R. Rau: (a) The reply to the first part of the question is in the affirmative. As regards the latter part, Government have no information.

(b) My Honourable friend will, I hope, realise that it is impossible to staff individual offices on a communal basis.

TRAVELLING WITHOUT TICKETS ON RAILWAYS.

155. ***Mr. S. G. Jog:** (a) Has the attention of the Government been drawn to an article on "Ticketless Travelling" published in the *Railway Times*, Bombay, dated the 13th January, 1934?

(b) Is it a fact that the present system of ticket checking is running at a loss of about six lakh rupees per year?

(c) Is it a fact that the same system under Accounts Department yielded a great saving to the Railway?

(d) Are the facts contained in the article correct?

(e) If the reply to part (d) be in the negative, what are the actual facts?

(f) If the reply to part (d) be in the affirmative, will Government be pleased to state what enquiries have been made and what steps do they propose to take on it? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) I have called for a report from the Agent, East Indian Railway, and will lay a reply on the table in due course.

NON-PROVISION OF FREE QUARTERS TO THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

156. ***Mr. S. G. Jog:** (a) Has the attention of Government been drawn to an article "Free Quarters to Travelling Ticket Examiners on the East Indian Railway" published in the *Railway Times*, Bombay, dated the 27th January, 1934?

(b) If so, will Government be pleased to state:

- (i) why the Travelling Ticket Examiners who are governed by Company Rules are not provided with free quarters or house rent in lieu;
- (ii) why rent is recovered from those who are old Oudh and Rohilkhand Railway employees and are occupying railway quarters where they are available;
- (iii) why those who enjoyed this privilege before the 1st August, 1928, are denied this now; and
- (iv) whether this privilege is admissible according to note 2 to paragraph 2 of Chapter II, section 1 of the State Railway Code?

(c) Are Government prepared to take action that the grievances complained of in the article are remedied? If not, why not?

Mr. P. R. Rau: I have called for the information and shall place a statement on the table in due course.

NON-EMPLOYMENT OF *ex*-ARMY MEN ON STATE RAILWAYS.

157. ***Pandit Satyendra Nath Sen:** (a) Are Government aware that Home Department Resolution No. 1099 of the 8th August, 1919, from the Governor General of India with the approval of the Secretary of State, recommending appointments to *ex*-Army men, is not observed by the Agent and the Divisional Superintendents of the East Indian Railway and some other State Railways?

(b) If the answer to part (a) be in the affirmative, do Government propose to issue fresh instructions to the same effect to the officers concerned?

Mr. P. R. Rau: (a) No

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

IMPORT DUTY ON RAW CINEMATOGRAPH FILMS.

51. **Mr. B. V. Jadhav:** (a) Will Government be pleased to state what the revenue is from import duty on raw cinema films during 1931-32 and 1932-33 and the estimated revenue in 1933-34?

(b) What additional revenue per year do Government estimate in consequence of—

- (i) the change in the rates in the revised valuation per foot of exposed films imported into India,

- (ii) the change in policy about rebate on imported articles when exported out of India as shown in the Bill to amend the Sea Customs Act of 1878 now before the House, and
- (iii) the amount estimated from the saving in rebates on the export of exposed films previously imported into India by the policy referred to in (ii)?

(c) Will the Honourable the Industries Member state whether Government still adhere to the policy enunciated by him in the House on March 1st, 1933, when he said "we are prepared to reduce the import duties *pro tanto* to anything we get from the reduction or abolition of the rebate on exposed films re-exported", page 1443, Legislative Assembly Debates, Vol. II, No. 6 of 1933?

The Honourable Sir Frank Noyce: (a) 1931-32—Rs. 2,34,000,
1932-33—Rs. 2,72,000,
1933-34 (estimated)—Rs. 5,00,000,

(b) (i), (ii) and (iii). I regret I am unable to give the Honourable Member any figures that would be at all reliable. The effect of tariff valuations must naturally vary from year to year and as I pointed out in my speech on the subject the day before yesterday, the amount that may be secured by the modification of the law relating to drawback is at present hypothetical and can only be deduced from experience.

(c) Yes.

GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

52. Khan Bahadur Haji Wajihuddin: (a) Has the attention of Government been drawn to an article on the "Grievances of the Travelling Ticket Examiners" published in the *Railway Times*, Bombay, dated the 6th January, 1934?

(b) Is it true that highly paid and long service men are superseded by men with less service and less pay?

(c) Is it a fact that the Chief Operating Superintendent, East Indian Railway, in his letter No. O. P. E./1308, dated the 11th February, 1933, laid down that the old Travelling Ticket Inspectors whose pay was restored to what they were drawing in their substantive capacity should be considered for promotion to higher posts when vacancies occurred?

(d) Is it a fact that when the pay of the old Travelling Ticket Inspectors was reduced to Rs. 95 from the 1st June, 1931, some of the Crew staff by virtue of their past pay and status got into higher posts against vacancies which occurred between the 1st June, 1931, and the date when the orders for the restoration of Travelling Ticket Inspectors' pay were issued?

(e) Is it a fact that if the pay of the Travelling Ticket Inspectors had not been reduced they would have been entitled to higher posts when they occurred?

(f) Is it a fact that on the restoration of pay with retrospective effect and with increments due the Travelling Ticket Inspectors became senior to many of the crew staff?

(g) Is it a fact that even now if any vacancy in higher cadre occurs, choice of promotion falls on the crew staff in preference to comparatively highly paid and long service Travelling Ticket Inspectors?

(A) While according decision in the case of the old Travelling Ticket Inspectors, did the Railway Board mention what has been communicated by the Chief Operating Superintendent as mentioned in part (c) above?

(i) Do Government propose to see that the rights of the old Travelling Ticket Inspectors who have since been restored to their substantive pay are not superseded by the crew staff?

Mr. P. R. Rau: (a) Yes.

(b) to (i). Government have no information; all these matters are within the competence of the Agent to decide.

SENIORITY LIST OF THE TRAVELLING TICKET EXAMINERS.

53. Khan Bahadur Haji Wajihuddin: Will Government be pleased to state whether the seniority list of the Travelling Ticket Examiners has not been notified to them? If not, why not?

Mr. P. R. Rau: Government have no information. This is a matter within the competence of the Agent to decide.

MEMORIALS FROM THE TRAVELLING TICKET EXAMINERS OF THE EAST INDIAN RAILWAY TO THE RAILWAY BOARD.

54. Khan Bahadur Haji Wajihuddin: (a) With reference to the reply to the supplementary question to starred question No. 1361, dated the 11th December, 1933, on page 2928 of the Debates, will Government be pleased to state if "certain memorials" include those submitted by the old Travelling Ticket Inspectors of the East Indian Railway to the Railway Board in the last week of July 1933 to which they have received no reply yet?

(b) If they have not been received yet by the Railway Board, are Government prepared to enquire from the Agent, East Indian Railway, and state as to what has happened to those memorials?

Mr. P. R. Rau: (a) No. I was referring to a memorial from North Western Railway staff.

(b) The disposal of any memorials regarding pay and allowances, etc., from non-gazetted staff is a matter which lies within the competence of the Agent. In matters regarding which, under the rules, no appeal lies to the Railway Board, the Board do not take part unless the Agent refers the matter to the Board for their orders.

DAILY-RATED RUNNING STAFF ON EACH OF THE STATE RAILWAYS.

55. Mr. N. M. Joshi: Will Government be pleased to state the number of daily-rated running staff on each of the State Railways and how many of them are eligible for leave on half pay for 30 days in any one calendar year according to the revised rules?

Mr. P. R. Rau: Government regret their inability to collect this information which is not readily available, as it will entail expenditure of time and labour not commensurate with its value.

STAFF CLASSIFIED AS INFERIOR UNDER THE NEW LEAVE RULES ON STATE RAILWAYS.

56. Mr. N. M. Joshi: Is it a fact that the Railway Board, according to their circular letter No. 8373-E., dated the 26th September, 1930, invited the Agents of the State-owned Railways to furnish to the Board a list of the staff treated as inferior for the purpose of the new leave rules to enable the Board to decide as to the advisability "of introducing a uniform list for all the Railways"; and if so, will Government be pleased to lay on the table a statement showing the staff classified as inferior service men under new leave rules on State-owned Railways?

Mr. P. R. Rau: Yes. On further consideration it was considered that absolute uniformity was unnecessary and the old rule under which "Inferior Service" means any kind of service on a scale of pay the maximum of which does not exceed Rs. 30 per mensem and any other kind of service which may be specially classed as such by the Agent of a railway was allowed to stand.

CLASSIFICATION OF JOURNEYMEN ON THE EASTERN BENGAL RAILWAY AS INFERIOR SERVICE EMPLOYEES.

57. Mr. N. M. Joshi: Will Government be pleased to state whether the Railway Board received a representation from the All-India Railway-men's Federation in September last on the subject of classification of journeymen on the Eastern Bengal Railway as inferior service employees, and if so, will Government be pleased to state what reply has been sent to their representation?

Mr. P. R. Rau: The answer to the first part of the question is in the affirmative. The point is still under consideration.

PAYMENT TO THE LILLOOAH WORKSHOP DAILY-RATED STAFF.

58. Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that Lillooah Workshop daily-rated staff are paid on the basis of 26 days' pay in a month?

Mr. P. R. Rau: The reply is in the affirmative.

HOLIDAYS IN THE MECHANICAL WORKSHOPS ON STATE RAILWAYS.

59. Mr. N. M. Joshi: Will Government be pleased to lay on the table a statement regarding the number of holidays for which each of the mechanical workshops on each State-owned Railway remains closed in a year, and the number of closed holidays for which the staff are paid?

Mr. P. R. Rau: I am calling for information and will lay a reply on the table in due course.

SHORT TIME WORKED AND THE STAFF EMPLOYED IN THE STATE RAILWAY WORKSHOPS.

60. Mr. N. M. Joshi: Will Government be pleased to lay on the table a detailed statement showing the amount of short time worked and

the staff employed at present in the various railway workshops on each of the State-owned Railways?

Mr. P. B. Rau: I am calling for certain information and will lay a reply on the table of the House in due course.

WORKING OF THE STAFF BENEFIT FUND RULES.

61. Mr. N. M. Joshi: Will Government be pleased to lay on the table a statement showing the working of the Staff Benefit Fund Rules?

Mr. P. B. Rau: According to reports received from Railways during the year ending the 31st March, 1933, a total sum of approximately Rs. 7,12,000 was disbursed from the Staff Benefit Fund of which approximately Rs. 51,000 were spent on hospital aid to sick employees, Rs. 87,000 on compassionate allowances, Rs. 50,000 on schools and educational staff, and Rs. 2,18,000 on recreation clubs. I lay a statement on the table showing the figures for individual railways.

Statement showing disbursements from the Staff Benefit Fund/Fine Fund of Class I Railways for the year ending 31st March 1933.

Railways.	Hospital for sick employees.	Compas- sionate allow- ances.	Schools and education of the Staff.	Recrea- tion Clubs.	Miscella- neous..	Total columns 9 to 13.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. A. B. Railway	951	303	1,374	12,190	2,543	17,421
2. B. & N. W. Railway	..	..	10,941	9,303	1,170	21,414
3. B. N. Railway	500	752	8,441	8,764	9,500	27,963
4. B., B. & C. I. Railway	15,000	63	6,177	21,639	1,175	44,054
5. Burma Rail ways	..	30	8,012	20,027	1,600	29,573
6. E. B. Railway	665	385	170	22,448	20,838	44,508
7. E. I. Railway	22,686	80,038	3,294	23	1,01,309	2,07,440
8. G. I. P. Rail- way	..	510	2,977	24,199	10,209	37,895
9. Jodhpur Rail- way	660	..	..	4,992	340	5,892
10. M. & S. M. Railway	1,222	..	160	1,143	10,719	13,294
11. N. G. Rail- way	..	..	82	8,545	1,378	10,005
12. N. W. Rail- way	9,635	652	5,410	68,376	1,30,714	2,14,787
13. R. & K. Rai- way	..	..	2,430	3,335	61	6,826
14. S. I. Railway	120	3,981	62	12,666	14,634	31,463
TOTAL	51,499	86,789	49,520	2,17,650	3,06,130	7,11,638

RAILWAY LINES OUTSIDE THE OPERATION OF THE INDIAN RAILWAYS ACT.

62. Mr. N. M. Joshi: Will Government be pleased to lay on the table a statement showing which railway lines do not come within the operation of the Indian Railways Act, on the ground that the railway lands within the Indian States have not been ceded to the British Government?

Mr. P. R. Rau: The information is being collected and a statement will be laid on the table in due course.

STAFF TREATED AS TEMPORARY FOR HAVING BEEN RECRUITED AFTER THE 16TH JULY, 1931, ON STATE RAILWAYS.

63. Mr. N. M. Joshi: (a) Will Government be pleased to lay on the table a statement showing the number of staff treated as temporary for having been recruited after the 16th July, 1931, on each of the State-owned Railways?

(b) Will Government be pleased to state the number of previously retrenched hands, out of those recruited after the 16th July, 1931?

Mr. P. R. Rau: (a) and (b). The information asked for is not available and Government consider that the collection of the information will entail expenditure of time and labour not commensurate with its value.

†64.

REPORTS OF RETRENCHMENT AND DEMOTION OF STAFF ON RAILWAYS.

65. Mr. N. M. Joshi: Will Government be pleased to state whether the Railway Board have received reports of retrenchment showing number of retrenched and demoted, respectively, from the individual Railways as desired in their circular letter, No. 381-L., dated the 11th June, 1932, and if so, will they please lay copies of the statements on the table of this House?

Mr. P. R. Rau: Yes. I lay on the table of the House a statement prepared from information furnished by Railways, showing staff discharged and demoted up to September, 1932, on principal railways. Figures of voluntary retirement have also been given as the major portion of the reductions effected was met by the acceptance of applications for voluntary retirement.

Statement showing the number of staff retrenched, demoted and voluntarily retired, on Principal Railways up to September 1932 in connection with the retrenchment authorised in the Government of India Communiqué of the 6th June 1932.

Railways.	Staff Retrenched.	Staff demoted	Staff voluntarily retired.
Burma	57	2	98
E. B. . . . .	..	..	702
E. I.	1,246	343	733
G. I. P.	14	..	963
N. W.	157	..	907
A. B. . . . .	..	..	..
B. & N. W. . . . .	..	..	..
B., B. & C. I.	166	..	316
B. N. . . . .	..	..	..
M. & S. M. . . . .	..	..	..
R. & K. . . . .	..	..	..
S. I. . . . .	..	..	25
Total	1,640	345	2,744

†This question was withdrawn by the questioner.

SHORT NOTICE QUESTION AND ANSWER.

UNOFFICIAL AGREEMENT BETWEEN REPRESENTATIVES OF THE INDIAN AND UNITED KINGDOM TEXTILE INDUSTRIES.

***Mr. K. O. Neogy:** (a) Will Government be pleased to state:

- (i) what is the "unofficial agreement between representatives of the Indian and United Kingdom textile industries" referred to in the Statement of Objects and Reasons attached to the Indian Tariff (Textile Protection) Bill, 1934;
- (ii) whether Government have accepted the terms of that agreement; if so, when;
- (iii) whether Government have issued any Resolution or Press Communiqué regarding their acceptance of the agreement;
- (iv) whether Government will make the said "agreement" and all connected papers available to the Members of the House before any further motion of the Bill is made; and
- (v) whether Government consulted or invited the opinions of associations and others interested in the textile industry throughout India before they decided to accept the agreement?

(b) With reference to the agreement with Japan regarding textiles, why have Government not sought to place it before the Assembly for discussion before embodying it in the Bill above referred to?

The Honourable Sir Joseph Bhore: (a) (i) The text of the agreement between the Millowners' Association, Bombay, and the British Textile Mission to India was published in the Press. A copy has been placed in the Library.—Pages 14—16.

(ii) The Government of India accepted the terms of the agreement when they decided to incorporate them in the Bill introduced by me on the 5th instant.

(iii) No, Sir.

(iv) The agreement was concluded between the Millowners' Association, Bombay, and the British Textile Mission. Government are not therefore in possession of the connected papers but if it is the wish of the House that copies of the Agreement should be circulated to Honourable Members I shall be glad to have this done.

(v) Government have had ample opportunity of studying the opinions of associations and others interested in the textile industry. There was no necessity to invite opinion.

(b) Government consider that the incorporation of the relevant terms of the Indo-Japanese Agreement regarding textiles in the Bill introduced on the 5th instant affords the most suitable opportunity for its discussion by the House.

Mr. K. O. Neogy: With reference to the agreement between the Bombay Millowners' Association and the Lancashire Trade Delegation, when was it officially communicated to Government and by whom?

The Honourable Sir Joseph Bhoré: I am afraid that I must ask for notice, because I do not carry the exact date in my head, but my recollection is that it was communicated to us by the Millowners' Association, Bombay.

Mr. N. M. Joshi: May I ask whether Government propose to abdicate their functions as regards the control of Indian commerce in favour of the Bombay Millowners' Association?

The Honourable Sir Joseph Bhoré: Certainly not, Sir; nor have they ever done so.

Dr. Ziauddin Ahmad: Do the Government realise that they have created a very bad example by allowing two private individuals to negotiate and afterwards they come forward to confirm their negotiations?

The Honourable Sir Joseph Bhoré: Most certainly not. They would have created a very bad precedent if one of the persons had been my Honourable friend.

Mr. K. C. Neogy: Does the Honourable Member realise that it is not quite correct to describe the agreement between the Bombay Millowners' Association and the Trade Delegation of Lancashire as an unofficial agreement between the representatives of the Indian and the United Kingdom Textile Industries?

The Honourable Sir Joseph Bhoré: I will join issue with my Honourable friend on that point, but I do not wish to anticipate, Sir, the discussion that must take place in this House. I have no doubt that on the appropriate occasion I shall be able to answer my Honourable friend if he makes that point.

Mr. N. M. Joshi: May I ask, Sir, whether the Government of India will circulate also the agreement which they have come to with Japan?

The Honourable Sir Joseph Bhoré: I shall certainly make available at the earliest possible opportunity all relevant papers so as to enable the House to be in full possession of all available details before the discussion takes place in this House. (Applause.)

Mr. B. Das: Referring to the reply of the Honourable the Commerce Member that the Government have in their possession the opinions of the different Textile Associations of India, is it not a fact that, in the matter of this alleged agreement between the Bombay Millowners' Association and the Lancashire Delegation, the other Millowners' Associations, except Bombay, are in complete disagreement with the Bombay Millowners' Association?

The Honourable Sir Joseph Bhoré: Some such Associations, I believe, are, Sir.

Mr. K. C. Neogy: Will the Honourable Member be pleased to make available to this House all opinions and criticisms that they have received from the various interests concerned?

The Honourable Sir Joseph Bhoré: I shall do that, Sir.

Dr. Ziauddin Ahmad: The Honourable Member brushed aside my question, but any kind of agreement between the Government of India and other Governments represents the whole people. An individual, however important he may be, does not represent the whole of India; he represents certain interests. Therefore, is it not a fact that it is a very bad precedent for a certain individual to speak in the name of India and carry on the negotiations?

The Honourable Sir Joseph Bore: My Honourable friend has made the initial mistake of suggesting that this was a settlement between individuals: it was not. It was a settlement between representatives of very important trade organisations. Government have not blind-folded accepted the result of that agreement; they have considered it; they have examined it in all its aspects and they have found it worthy of acceptance.

Mr. K. C. Neogy: Was this agreement, either officially or unofficially, referred to the Tariff Board for consideration in view of the fact that it may have important bearing upon the recommendations made by that Board?

The Honourable Sir Joseph Bore: No, Sir.

Dr. Ziauddin Ahmad: May I ask, Sir, if the Government have read all the criticisms that have been levelled against these negotiations by the Indian opinion?

The Honourable Sir Joseph Bore: I should think so. I have read most of the criticisms.

Dr. Ziauddin Ahmad: In view of these criticisms, do Government still believe that these negotiations represent Indian opinion?

The Honourable Sir Joseph Bore: I certainly think so.

Mr. Gaya Prasad Singh: May I ask, Sir, whether the Honourable Member in reply to a question of mine said that the Government had absolutely nothing to do with promoting this alleged agreement between the Bombay Millowners' Association and the Lancashire trade interests?

The Honourable Sir Joseph Bore: If my Honourable friend would re-read the answers that I gave, I am quite sure that he will find that I never suggested any such thing. What I did say was that Government took no part in this agreement and I would also point out that it is not an alleged but a definite agreement.

Mr. Gaya Prasad Singh: May I take it, then, that the Government in no way promoted this agreement between the Bombay Millowners' Association and the Lancashire trade interests?

The Honourable Sir Joseph Bore: What does my Honourable friend mean by "promoted"?

Mr. Gaya Prasad Singh: I should like to know whether the Government of India had any hand in bringing about this agreement between the Bombay Millowners' Association and the Lancashire Delegation?

The Honourable Sir Joseph Bhoré: As far as I know, Government had no hand at all.

Mr. Gaya Prasad Singh: Are Government aware that many important members of the Millowners' Association of Bombay have themselves repudiated this agreement which has made the position of Mr. Mody very unsafe in that Association?

The Honourable Sir Joseph Bhoré: That, Sir, is a matter for the individual members to fight out with the Association of which they are members.

Diwan Bahadur A. Ramaswami Mudaliar: Is it a fact that the Bombay Millowners' Association at its meeting definitely adopted this agreement and ratified the action of Mr. Mody and of those who took part in bringing about this agreement?

The Honourable Sir Joseph Bhoré: I think my Honourable friend is quite correct.

Mr. Gaya Prasad Singh: It was only by a majority of votes that the action was ratified?

Diwan Bahadur A. Ramaswami Mudaliar: Everything is done only by a majority of votes.

Mr. B. Das: Are Government aware that at the election of the Bombay Indian Chamber of Commerce all those who supported the Mody-Clare-Lees Pact were thrown overboard?

The Honourable Sir Joseph Bhoré: I am afraid I did not follow the events in Bombay referred to, but I would suggest that if my Honourable friends wish to make these points, they had better be made when the debate takes place in this House.

Dr. Ziauddin Ahmad: Will Government give us an opportunity to discuss the terms of the agreement as they exist without any reference to the Bill and follow the same practice which they did in the case of the Ottawa Pact where first the principles were accepted and the Bill followed later? Why should Government adopt a different attitude with regard to this Bill?

The Honourable Sir Joseph Bhoré: No, Sir.

Dr. Ziauddin Ahmad: Can Government give any reasons for the change in their attitude except that they have got an absolute majority of votes?

The Honourable Sir Joseph Bhoré: The reason is apparent. The question of votes does not enter into it at all. If it were true that we have a majority of votes for the first discussion, we would have a majority for the second discussion as well.

Mr. Gaya Prasad Singh: May I know why opinions from other mill-owners have not been called for before the agreement is sought to be embodied in the Bill before the House?

The Honourable Sir Joseph Bhore: The other millowners did not give the Government an opportunity for calling for those opinions.

Diwan Bahadur A. Ramaswami Mudaliar: They volunteered.

The Honourable Sir Joseph Bhore: That is so.

Mr. Gaya Prasad Singh: Only the Round Tablers are supporting it.

Diwan Bahadur A. Ramaswami Mudaliar: They are right.

Mr. Gaya Prasad Singh: They have brought the country to ruin.

Diwan Bahadur A. Ramaswami Mudaliar: Wait and see.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir George Schuster (Finance Member): Sir, I lay on the table the information promised in reply to starred questions Nos. 1439 to 1498 asked by Sardar Sant Singh on the 22nd December, 1933.

EMPLOYMENT OF SIKHS AS SUPERINTENDENTS AND DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

*1489. (a) The position is as follows :

Name of office.	Year.	S. A. S. Superintendents.		Divisional Accountants (excluding those employed in Divisional Offices).		Clerks, etc.	
		Total No.	No. of Sikhs.	Total No.	No. of Sikhs.	Total No.	No. of Sikhs.
Office of the Accountant-General, Central Revenues.	Strength prior to retrenchment and amalgamation effected in 1931-32.	33	Nil	8	Nil	220	9
Do.	Present strength 1933-34	28 (a)	Nil	2	1	248	9
Office of the Auditor-General.	Strength in 1931-32.	27	Nil	Nil	Nil	80	1
Do.	Present strength in 1933-34	23 (b)	Nil	Nil	Nil	74	2

(a) Includes 19 Assistant Superintendents who are also members of the Subordinate Accounts Service.

(b) Includes 15 Assistant Superintendents who are also members of the Subordinate Accounts Service.

(b) and (c). As was explained to the Honourable Member in reply to part (b) of his starred question No. 467 asked on the 20th of September 1932, appointments to the Subordinate Accounts Service, with rare exceptions, are made as a result of a competitive examination open to clerks in Audit Offices, and the communal distribution in this Service is therefore necessarily dependent on the ability of the individual to pass the examination.

DIVISIONAL ACCOUNTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

*1490. (i) In 1928.

(ii) Nine.

(iii) Government do not consider it advisable to publish the names of the Divisional Accountants in question. Recommendations made with regard to postings are always regarded as confidential.

DIVISIONAL ACCOUNTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

*1491. (a) The Central Public Works Department was organised on a temporary basis only. The scheme of separation of accounts from audit in connection with which the divisional accountants were employed was also experimental and was afterwards abandoned.

(b) Three. No steps were taken as one of them was unqualified and the service of the other two was not sufficiently satisfactory to justify their re-employment.

DIVISIONAL ACCOUNTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

*1492. The organisation of the Central Public Works Department has been declared permanent recently, and the question of making the posts of divisional accountants permanent is now under consideration.

SIKH DIVISIONAL ACCOUNTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

*1493. One. He was discharged on reduction of establishment as his record was not satisfactory.

FILLING UP OF VACANT POSTS OF DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

*1494. Officiating arrangements only were made against permanent posts in accordance with the orders of Government that pending the revision of scales of pay of Subordinate Services no confirmations should be made.

FILLING UP OF VACANT POSTS OF DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

*1495. (a) Yes. In cadres under the Auditor-General affected by retrenchment a few posts have been kept substantively vacant in case there is a call for further retrenchment.

(b) Yes. A divisional accountant of another minority community was confirmed as he was senior to the Sikh divisional accountant.

SIKH DIVISIONAL ACCOUNTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

*1496. No. Temporary.

EMPLOYMENT OF SIKHS AS DIVISIONAL ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

*1497. (a) Office of the Accountant-General, Central Revenues'—one clerk, who officiated in that office for one month and five days, and one divisional accountant, who officiated in the late Central Accounts Office for five months and twenty days.

Auditor-General's office—None.

(b) Attention is invited to the reply given to parts (b) and (c) of question No. 1489.

RETRENCHMENT OF TWO SIKHS FROM THE LATE CENTRAL ACCOUNTS OFFICE.

*1498. The primary object of the orders to which the Hon'ble Member has referred was to secure economy combined with the minimum loss of efficiency, but it was made clear that so far as possible the existing ratio between the numbers of the various communities should be maintained in each category. No information is available with regard to the Sikh members of the late Central Accounts Office as that office has been abolished.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to starred question No. 1286 asked by Mr. B. R. Puri on the 7th December, 1933.

PRICE OF IRON AND STEEL EXPORTED FROM INDIA.

*1286. Two statements containing the information available are attached.

Statement I

(a) Average declared value of exports of pig iron, and iron and steel.

	Rs. A. P.
Pig iron—	Per ton.
From April 1932 to October 1932	35 0 11
From November 1932 to January 1933	35 0 5
From February 1933 to March 1933	31 5 1
Iron and steel (excluding pig iron)	
Average in 1932-33	56 11 1

(b) Prices of Pig Iron Foundry No. 1 at Calcutta.

From April 1932 to October 1932	69 0 0
From November 1932 to January 1933	67 0 0
From February 1933 to March 1933	55 0 0

Statement II.

Net realisations of the Tata Iron and Steel Company, Ltd., f. o. r. Tatanagar :

	Average realisations	
	For consumption in India 1932-33.	For export 1932-33.
	Rs. Per ton.	Rs. Per ton.
Pig iron	30.6	19.7
Scrap iron or steel—		
Blooming Mill	24.7	21.4
Sheet-bar & Billet Mill	35.1	27.9
Rail Mill	27.8	17.4
Bar and Merchant Mills	68.6	..
Plate Mill	52.9	22.1
Sheet Mill	40.2	..
Miscellaneous Scrap . . . . .	..	24.0

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table the further information promised in reply to a supplementary question to starred question No. 946 asked by Mr. S. C. Mitra on the 15th September, 1933.

CHANGES IN THE TREATMENT OF TERRORIST PRISONERS IN THE ANDAMANS.

*946. I place a copy of the revised rules on the table.

Rules framed by the Chief Commissioner, Andaman and Nicobar Islands, under section 60 of the Prisons Act 1894 to regulate the classification and treatment of convicted prisoners.

Prisoners from Bengal and other Provinces who whilst in the Andamans are to serve their entire sentences in the Cellular Jail, Port Blair, will retain the classification which they had in their Provinces. The following rules are prescribed for the treatment of such prisoners in supersession of the rules issued on October 2nd 1933.

1.—B. Class Prisoners.

1. *Accommodation.*—Each prisoner shall be allotted a separate cell, but, except when imposed as a jail punishment, imprisonment shall in no case involve anything in the nature of separate confinement.

2. *Furniture and Equipment.*—Each prisoner shall be provided with the following furniture and equipment.

Cot	1
Thin mattress	1
Pillow	1
Chair	1
Small table or shelf	1
Mosquito net	1
Blanket	1
Sheets	2
Pillow cases	2
Towels	2
Flat-bottomed urinal utensil with cover	1
Earthen drinking water surai or 1 aluminium- water pot in lieu	1
Aluminium mug	1
Do. spoon	1
Do. plate	1
Do. cup	1
Small hand mirror	1
Comb	1

3. Each prisoner shall be provided with the following articles for his personal use.

Snowene	2 packets	Yearly.
Tooth brush	2	„
Emolin shaving stick	2	„
Shaving brush	1	„
Safety razor blades	4 packets	„
Lifebuoy soap	2 cakes	Monthly.
Colgate's tooth paste	1 tube	„
Exercise books	2	„
Pencils and pens	4	„

4. *Lighting*.—Lights in the cells, if any, shall be turned off by 10 p. m., but lights in the corridors, yards and latrines, if any, shall be kept on throughout the night.

5. *Clothing*.—Each prisoner shall be provided with the following clothing yearly and shall wear a distinguishing badge 2"×2" on the right breast.

Dhoties	4
Trousers	2 pairs.
Kurtas	4
Shirts	4
Socks	4 pairs.
Sandals or white canvas shoes	2 pairs

Suits shall be made of plain dosuti cloth without stripes. Prisoners employed as warders shall be provided with suits of plain cotton drill instead of dosuti cloth, and shall wear a distinguishing convict warder's badge on the right arm.

6. *Cropping of hair*.—Every prisoner shall have the hair of the head closely clipped and the hair of the face and the nails of the fingers and toes closely trimmed, and the operation shall be repeated once a fortnight.

The hair of convict officers shall be trimmed only to such an extent and at such times as may be necessary for the purpose of ensuring health and cleanliness;

Provided that—

- (a) the Superintendent shall at his discretion exempt prisoners to whom this proceeding would be justly offensive or degrading;
- (b) the hair of a prisoner shall not be cut without his consent at any time within 30 days of the date on which he is entitled to be released; and
- (c) if on account of vermin, dirt, or disease the Medical Officer deems it necessary to clip the hair or shave the head of any prisoner, this shall be done on his written order on the prisoner's history ticket.

7. *Cleaning of cells*.—Prisoners shall keep their cells, utensils, clothing and bedding clean and neatly arranged and shall be allowed soap for washing their persons and their clothes.

8. *Opening of cells*.—All cells shall be opened daily at dawn Twenty minutes before dawn the warder on duty shall rouse the prisoners by ringing the gong. Every prisoner shall fold up his bedding neatly and shall remain quietly by his bed until the Head Warder has ascertained if any prisoner is sick or wishes to see the Sub-Assistant Surgeon. Sick prisoners shall be seen by the Sub-Assistant Surgeon in the cells allotted to them.

9. *Latrine arrangements*.—After the Head Warder has completed his round of inspection, prisoners shall be allowed to go to the latrine in the yard.

10. *Bathing and washing arrangements*.—After all prisoners have been given an opportunity of visiting the latrine, they shall proceed to the bathing place.

11. *Night latrine arrangements*.—Each cell shall be provided with one flat bottomed urinal utensil with cover, but this shall not ordinarily be used except for the purpose of urination. If otherwise used the fact shall be brought to the notice of the Medical Officer.

12. *Diet*.—Prisoners shall receive diet on the following scale :

For early morning meal.						Chataks.
Bread	.	.	.	.	.	2
Sugar	.	.	.	.	.	1
Butter	.	.	.	.	.	3/8
Tea	.	.	.	.	.	1/4
Milk	.	.	.	.	.	1
For other meals.						
Fine rice	.	.	.	.	.	8
Dal	.	.	.	.	.	2
Vegetables	.	.	.	.	.	4+1 1/2 for wastage.
Potatoes and onions	.	.	.	.	.	2
Meat or fish or eggs (or milk—6 ch.)	.	.	.	.	.	2
Condiments	.	.	.	.	.	3/16
Tamarind or lime	.	.	.	.	.	1/16
Salt	.	.	.	.	.	1/2
Goor	.	.	.	.	.	1/4
Mustard oil	.	.	.	.	.	5/16
Ghee	.	.	.	.	.	1/4
Dahi	.	.	.	.	.	2

The Superintendent should regard this scale as a guide and may vary the diet within the sanctioned scale.

13. *Cooking*.—The diet of the prisoners shall as far as possible be cooked separately from that of the C. class prisoners in the kitchen provided for the purpose.

14. *Meals*.—All meals shall be distributed under the superintendence of the Head Warden, and complaints about food shall be reported at once to the Jailor. Prisoners shall wash their own utensils and will not be allowed to use other prisoners as their private servants.

15. *Tasks*.—The Superintendent shall see that the task allotted to each prisoner is assigned after due consideration on medical grounds and with careful regard to his capacity, character, previous mode of life, and antecedents.

16. *Silence during work*.—Silence shall be maintained during work except when any enquiry or instructions relating to the work is necessary. All loud talking, singing, or quarrelling is prohibited, but out of working hours prisoners shall be permitted to converse quietly.

17. *Exercise*.—Prisoners shall take such exercise daily in the open air as the Medical Officer considers necessary and under such regulations as the Superintendent shall prescribe.

18. *Weightment*.—Prisoners shall be weighed once a month and their weight recorded by the Sub-Assistant Surgeon on their history tickets. They shall be weighed in their shirt, trousers or dhoti and socks.

19. *Interviews*.—Subject to his behaviour being satisfactory a prisoner shall be permitted to hold interviews in accordance with the following rules:

- (1) A prisoner may be allowed to see a visitor once in three months for the purpose of discussing family or domestic affairs.
- (2) An application for an interview shall be made by letter to the Chief Commissioner who, if he sanctions it, will if necessary inform the applicant by what steamer he may come to Port Blair and by what steamer he will be required to leave Port Blair.
- (3) An interview shall be conducted in the presence of the Superintendent or Jailor and an interpreter, if necessary, and the discussion of political questions will not be allowed.
- (4) No person who has taken a prominent part in any political agitation, whether the prisoner was concerned in it or not, or whose object is suspected to be to obtain an opportunity of publishing accounts of alleged grievances in the press will be allowed to interview a prisoner.
- (5) If matters discussed at interviews or the substance of letters received from prisoners are published, the privilege of interviews and communications shall be liable to be withdrawn from the prisoner concerned.

20. *Letters and communications.*—No letters or communications from or to prisoners shall be permitted, but well conducted prisoners may be allowed to write and receive one letter to or from a near relation not more frequently than once a month under the same conditions as those applicable to interviews. On urgent occasions, e.g., a death, serious illness in the family, this rule may be relaxed at the discretion of the Superintendent. The subject matter of all letters must be limited to private matters and there must be no reference to Jail administration and discipline, to other prisoners or to politics.

21. *Books and newspapers.*—Each prisoner may be allowed to have a maximum of 5 books at a time either from the Jail library or from outside subject to the approval of the Superintendent.

The following newspapers shall be supplied to prisoners:—The Illustrated Times of India, the Statesman (weekly edition), the Sanjibani and the Bangabasi.

22. No prisoner shall be permitted to have money in his possession. Any money found on the person of a prisoner or remitted officially from an Indian Jail shall be taken over by the Superintendent for safe custody. With the permission of the Superintendent a prisoner may be permitted to receive from time to time a sum not exceeding Rs. 10 for the purchase of the undermentioned articles or for expenditure on the occasion of authorised festivals. Any sum remitted which will bring the balance at a prisoner's credit to more than Rs. 10 will be returned to the sender.

Prisoners may purchase the following articles, or other articles with the special permission of the Superintendent, with any money that belongs to them, or they may ask their friends to supply them.

English First Book.
Exercise books.
Hair brush and comb.
Mustard oil.
Safety razor blades.
Shaving brush.
Shorts.
Sunlight soap.
Tooth paste.
Tooth powder.
Vests.
White canvas shoes-rubber soled.

23. *Complaints.*—Parades shall be held every Monday morning to hear complaints, but this does not preclude any prisoner from approaching the Superintendent at other times with a legitimate complaint.

24. *Handcuffs and fetters.*—Prisoners shall not be handcuffed or fettered except when this is necessary for the purpose of safe custody, or by way of punishment, or to prevent possible escapes or attacks on any member of the jail staff or any other official.

25. *Remission.*—Prisoners will be eligible for remission according to the following scale:

1. Ordinary Remission—

For good conduct	2 days per mensem.
For diligence in work	2 „ „ „
For Jamadar, Tindals & Petty Officers	8 „ „ „
For convict Warders	6 „ „ „

2. Special Remission—

For all prisoners, 15 days for clean sheet for one complete year.

26. Ordinary prisoners imported from Jails in Bengal and other Provinces for employment permanently as cooks and sweepers in the wings of the Cellular Jail allotted to terrorist convicts and who work on Sundays will be eligible for one-third remission of their total sentences.

27. *Punishment.*—Prisoners shall be subject to the ordinary rules of the Cellular Jail in regard to punishment, except that whipping shall only be inflicted with the previous sanction of the Chief Commissioner. In cases of misbehaviour the Superintendent may withdraw individual privileges subject to the sanction of the Chief Commissioner when the period exceeds one month. The Chief Commissioner has power to reduce a prisoner from the B class in the event of his misbehaviour. In such a case the prisoner will receive the ordinary C class treatment and not the special privileges granted to well behaved C class prisoners.

2.—C. Class Prisoners.

The rules for B. class prisoners are applicable to C class prisoners with the exception of rules 2, 5, 12, 21, 22 and 27 for which the following are substituted:—

Rule 2.—The following furniture and equipment shall be supplied:

Aluminium katora	1
„ thali	1
Flat faced urinal utensil with cover	1
Earthen drinking water surai or aluminium water pot	1
Bed board	1
Blanket	1
Bed sheets	2
Pillow cases stuffed with coir	1
Towels	2
Mosquito net	1
Hurricane Lantern	1

Rule 5.—The following clothing shall be supplied:

Kurtas	4 yearly.
Jangias	4 „

Rule 12.—Prisoners shall receive diet on the following scale:

Chataks.

Rice	12
Salt	1/2
Dal	2 1/2
Vegetables	4
Mustard oil	5/16
Condiments	1/8
Dhai	2 1/2 once weekly.
Tamarind	1/8
Goor	1/4
Onions and Potatoes	2 1/2 thrice weekly.
Fish	2 1/2 four times weekly whenever available.

The Superintendent should regard this scale as a guide and may vary the diet within the sanctioned scale.

Rule 21.—The number of books which a prisoner may have shall be 2.

Rule 22.—The sum of money which may be remitted to a prisoner shall not exceed Rs. 5.

Rule 27.—The concessions made to prisoners in the matter of lights, newspapers and interviews are entirely conditional upon their good behaviour, and the Superintendent has the power of withdrawing all or any of these privileges as a punishment.

J. W. SMYTH,

Chief Commissioner A. & N. Islands.

PORT BLAIR,

The 8th January, 1934.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that twenty-two petitions, as per statement laid on the table, have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

Petitions relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933

Number of signatories.	District or Town.	Province.
40	Trichinopoly	Madras.
30	Saleem	Madras.
38	Saleem	Madras.
36	Saleem	Madras.
37	Saleem	Madras.
36	Saleem	Madras.
35	Saleem	Madras.
52	Tanjore	Madras.
34	Tanjore	Madras.
43	Kumbakonam	Madras.
25	..	Madras.
43	..	Madras.
60	..	Madras.
46	..	Madras.
38	..	Madras.
97	..	Madras.
44	..	Madras.
8	Chingleput	Madras.
161	Gwalior	Central India.
78	Aligarh	U. P.
65	Moradabad	U. P.
34	..	Madras.
<hr/> 1,080 <hr/>		

THE HINDU MARRIAGES DISSOLUTION BILL.

PETITION LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have also to report that one petition, as per statement laid on the table, has been received relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion, which was introduced in the Legislative Assembly on the 27th January, 1931, by Sir Hari Singh Gour.

Petition relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion, which was introduced in the Legislative Assembly on the 27th January, 1931.

Number of signatories.	District or Town.	Province.
33	Purnea	Bengal.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
Sir, I move:

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be circulated for the purpose of eliciting opinion thereon."

Sir, ten long years have elapsed since I first moved a Resolution in this House for the repeal of this Regulation. After that I have made various attempts to have this archaic Regulation taken out of the Statute-book, for, I believe that it disgraces the pages of the Indian Statute-book. Sir, if we once turn over the Preamble of the Regulation, we will find the reasons that led to the enactment of it at that time. The reasons given there are:

"Whereas reasons of State embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British Dominions from foreign hostility and from internal commotion."

Sir, those who have studied Indian history know what was the state of India at the time when this Regulation was enacted. Hardly the East India Company was master of one-fourth of this vast Continent, there were Indian Rulers and there were menaces from the North-West Frontier as well as from our northern neighbour, the King of Nepal. In fact it was on the eve of the Nepal War that this Regulation was enacted. That being so, we may take it that there was ample justification for a Regulation like the one which was enacted then. But more than a century has elapsed, and conditions have become quite different. In place of the old Mughal Emperor, who was at that time in his palace in this very Imperial City, instead of that great Sikh Ruler, Maharaja Ranjit Singh, ruling almost up to Kabul, instead of other great powers in Southern as well as in Northern India, we are now having, according to the prophecy of Maharaja Ranjit Singh, "*sab lāl hōgiyā*", the whole of the map of India is now red. In fact, if there are any other colours in the map of India, we may ignore them, because it is the hand of the Britisher and the policy of the British administration that are to be found in those places. That being so, we may take it and it has been asserted that the Britisher is the Paramount Power in India, and the other smaller States, which are called Indian States or Native States, own British suzerainty. If I am moving for the circulation of this Bill, it is in order to give the Government an opportunity of eliciting opinion both from the Local Governments in the Provinces as well as from responsible public bodies. And why? Because I am aware of the situation in the country, I am aware of the subversive movements that exist at the present moment in the country and I certainly

shall not try to embarrass the Government when they are trying to bring in the new Constitution and peace and order in the country. But, I may also submit that in the Provinces as well as in the Centre we have enacted a series of laws which empower the Government both at the Centre and in the Provinces to deal with any suspicious character in the land. The Government can extern him and intern him, they can have him tried by speedier methods by these enactments and I think the hands of Government are sufficiently strengthened to deal with internal commotion. So, I think that a portion of the reason has gone away. The only reason for which the Government might still ask us to have this Regulation retained on the Statute-book is for the preservation of tranquillity in the territories of the Indian princes, and for that we have now a Bill pending before this House. The report of the Select Committee has also been published and we know that that will go a great way towards the preservation of tranquillity in the territories of Indian princes. Then, what more is left? Security of the British dominions from foreign hostility. Sir, if it be urged by Government that it is still necessary for that purpose, I ask them to have the Bill at least so amended as to confine its scope only to that extent, and not further.

Sir, I will not tire the patience of the House by repeating all that has been said in this House on several occasions about the recommendations of the Repressive Laws Committee, but I think the relevant portions of the recommendations of that Committee still hold good with respect to this Regulation. The same runs as follows:

"We appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which a trial is designed to punish. But we consider that in the modern conditions if India the risk must be run. It is undesirable that any statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the members of the Legislature,"

—and they recommended its amendment so that it can be used only for,—

"the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territory of the native Princes entitled to its protection",

—this, as I have shown, goes away,—

"the security of the British Dominions from foreign hostility, and"

—only so far as the inflammable frontier is concerned—

"from internal commotion."

That was the recommendation of the Repressive Laws Committee and I submit that in view of recent legislation, both here and in the Provinces, it is necessary that this Regulation, if not repealed, should be amended so as to confine its scope to those cases only, and for that it may be necessary to have the opinion of the various Local Governments as also of responsible public bodies. I, therefore, ask for the circulation of this Bill to elicit opinion thereon. I hope, Sir, Government will have no objection to this circulation motion.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be circulated for the purpose of eliciting opinion thereon."

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, I rise to support the motion for circulation. My friend has tabled this Bill for repealing this old, antiquated and out-of-date Regulation. Sir, I may bring to the notice of Government that similar Regulations were passed in Madras and Bombay, and that Government should themselves bring forward a Bill to repeal those two Regulations also. The simple reason for repealing these three Regulations seems to be this. If we take into consideration the political situation existing in the first quarter of the last century, we find that the whole of India was in a very disturbed condition. There were frequent rebellions against the British Government. The British had established themselves to a greater extent in Bengal, but at that time they were just making progress in acquiring new territories in other parts of India. Therefore, in those days, it was necessary to check those rebellions, and, for that purpose, Government armed themselves with the summary power of detaining leaders of rebellions and ringleaders of agitators. May I ask Government whether those conditions exist today in this country or in any part of this country? I am sure the conditions are now altogether different. Therefore, there is absolutely no justification for Government to press for the retention of these Regulations. As my Honourable friend, the Mover, has pointed out, both in the Provinces and in the Centre numerous repressive laws have been recently enacted and nobody can see any reason to invoke the aid of these old Regulations. Therefore, I support very heartily the motion moved by my Honourable friend, Mr. Amar Nath Dutt.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, I regret I cannot support this motion, nor can I support the principles underlying this Bill which has been produced after so much labour and after such a long time by my friend, Mr. Amar Nath Dutt. He told us that he first introduced this Bill about ten years ago. Since then, I do not know how many millions of gallons of water have passed under the bridges of the rivers of this country. The authorities and the Legislatures since that time have not been slow to pass measures in comparison to the provisions of which the provisions of this Regulation pale into insignificance. Sir, this Regulation must be considered a very humane measure compared to the atrocious and barbarous Statutes which have since adorned the Statute-book of this country. It was at one time thought that this measure could not be applied to civil commotions in this country, but there is no way of getting a judicial decision on that point, and we have, therefore, to take it that this measure is one which can be used by Government for purposes for which the Regulation was never meant, but which they think come within its provisions. In any case, under that measure, at least persons who are detained are entitled to be treated as human beings. Instead of keeping alive that measure and trying to abolish the other Statutes, I am sorry that my Honourable friend, Mr. Amar Nath Dutt, has tried to take away the most humane measure in comparison to the others which now adorn the Statute-book of this country. Sir, I oppose this Bill altogether.

Sardar Sant Singh (West Punjab: Sikh): Sir, unlike my friend sitting on my left, I stand to support this measure. Really it is a great shock to me to hear a lawyer of the eminence of my Honourable friend giving his blessings to a mode of punishment without trial and without examination of

evidence against any person. This Regulation provides a restriction of the liberty of a subject without open trial

Mr. N. M. Joshi (Nominated Non-Official): Trade union interest that lawyers get no benefit!

Sardar Sant Singh: My friend, Mr. Joshi, may have that consolation, but it is against the principle of British jurisprudence. It seems that my friend has taken the various repressive legislations that this Assembly has passed into consideration, and, by comparing those measures with this Regulation, he has come to the painful necessity of supporting this Regulation as a lesser evil rather than asking for its repeal. There can be no doubt that when an Administration is forced or begins to ask for repressive legislation, it becomes conscious of the fact that the State is being shaken to its very foundation. The larger the number of repressive measures on the Statute-book, the greater and clearer the evidence that there is something very seriously wrong with the administration of the State. However, the present Administration may pride itself for having brought about the present state-mate in society where no comment is possible in the Press, where no freedom of speech is allowed where no action, however *bona fide* it may be, can be taken by any person without running the risk of being sent to jail; no sane person can congratulate the Government on this state of things. I cannot congratulate the present Government on account of their having succeeded in obtaining from us the repressive laws which have shaken the entire society to its very foundation. (Interruption.) My friend from Bihar says: "Just like the earthquake in Bihar". Probably that is the punishment which has been inflicted by God upon us, human beings, just to remind us of our duty to ourselves . . .

Mr. N. M. Joshi: Government's fault is visited on us!

Sardar Sant Singh: You and I are party to that fault; when we were a willing party to that fault, certainly we share the responsibility of such sins. However, that is beside the point. What I am submitting is that this Regulation has been now in existence for a very long time; and no lawyer, with the least pretence of loyalty towards the principles of jurisprudence, can afford to be a willing party to the existence of such repressive measures. My submission is that if we really want that the present discontent in the country should be removed to the advantage, both of the administration and the people: the first step that we will have to take sooner or later is to repeal all the repressive laws in the country and take the people into confidence. In the interests of the Administration itself, it is absolutely essential that the Administration should extend their hand of fellowship towards the people by taking them into their confidence by removing some of the grievances which are at this time to be found in society, so that good relations may be established between the Administration and the people. This measure may be considered inopportune at this moment in the presence of so much repressive legislation that is to be found in the Statute-book; but the Government will have to take a bold step one day, a statesmanlike step to meet the wishes of the people before they can ask for the co-operation of the people in the administration of the country. Therefore, I will most respectfully and yet emphatically support the Bill put forward by my friend, Mr. Amar Nath Dutt.

The Honourable Sir Harry Haig (Home Member): Sir, my Honourable friend, the Mover, reminded us that the Bill which he presents to the House today has been before the country more or less for ten years, and

[Sir Harry Haig.]

it appeared to me that as he spoke we were listening rather to the echoes of those old debates of ten years ago than to the living voice of today; for indeed events have not stood still during the last ten years.

My Honourable friend, Mr. Amar Nath Dutt, referred to the report of the Repressive Laws Committee. I was reading through that report this morning; it was written, I think, in 1921, not very long after the termination of the Great War, in those days of unthinking optimism when everybody was hoping that, on the conclusion of the War, the world was going to become a better and an easier place to live in, that all our difficulties were going to disappear. The last ten years, I am afraid, have disproved those optimistic anticipations. At the present time, if we look round the world, we see in almost every country revolution raising its head and either proving victorious or being suppressed by means which involve fundamental constitutional changes. India in these present world conditions cannot expect immunity. We know only too well the forces that are at work in India at the present time. We stand as a Government for constitutional progress, but constitutional progress is threatened in India as elsewhere by open violence and by hidden conspiracy. It is not enough to stand before those enemies naked and shivering repeating the old formulas of liberalism, however much we may respect them. We must have weapons in order to deal with those threats. Unless we are prepared to defend ourselves even by means which may be repugnant to liberals, we may find that we lose our liberties, our real fundamental liberties, which are of more value to us than formulas. I claim, Sir, that in these troublous times, during the last few years, we have been able, on the whole by means of measures such as are typified by this Regulation III, to safeguard the country against these dangers, and that, if we were deprived of these weapons, we should be forced either to deal with the situation much more drastically or to succumb to the forces of disorder. How is the Regulation, Sir, used at present? In the first place, a certain number of individuals are detained on account of what might be called considerations of foreign policy. I do not think in fact anybody seriously questions the necessity of certain powers of that kind. In the second place, we have in the recent past used the Regulation in certain cases in connection with civil disobedience. Well, Sir, it is said that the various Legislatures have now passed legislation which enables the Governments to take action comparable to the action they can take under the Regulation in regard to civil disobedience. That is, in fact, not strictly accurate, because the legislation which has been passed by the Local Governments does not as a rule include such powers as these, nor has it in fact been passed by all Local Governments. However, fortunately at the moment civil disobedience is, shall I say, quiescent. But there remain two other very serious threats to the tranquillity of this country. I refer to terrorism and communism, and the Regulation is at the moment being used in connection with both those movements, and it is, in the judgment of the Government, absolutely essential that it should continue to be used for that purpose. It is true that in Bengal, which is the heart of the terrorist movement, special powers have been taken by the Local Government for dealing with its manifestations, but in other parts of India there are also manifestations, from time to time, of terrorism. There are conspiracies in other parts of India unfortunately as well as in Bengal, and from time to time it does become necessary to invoke these powers in order to deal with terrorists in Northern India for instance.

With regard to communism, that, in my judgment, is the most serious danger of the future, and we have found it necessary in the last few years to deal with several communist agents under the power given us by Regulation III. At the present moment, therefore, the existence of this Regulation is absolutely essential if the Government are to have a reasonable chance of maintaining tranquillity in this country at a time when, as I have said, the forces of revolution are pressing in throughout the world on every side, and I do not think any less opportune time could have been suggested for the repeal of this Regulation.

I would like just to remind the House once more of that Report of the Repressive Laws Committee which, recognising these dangers, recognising that they could not dismiss as improbable the danger of sudden sectarian, agrarian or labour disorder on a large scale culminating in riots, recognising the existence of the Bengal terrorist movement, recognising the dangers of the Civil Disobedience Movement, nevertheless made that optimistic recommendation. And yet I find that Sir Malcolm Hailey, dealing with a Resolution similar to this, in the year 1924, used these words:

"Soon after the Report of that Committee was received, we were faced with the Moplah rebellion which reminded us very powerfully of the form which internal disorder can take in this country and of the need of retaining exceptional powers to deal with it. Soon afterwards, again, we began to learn of the existence of that class of association which is sometimes called Bolshevik",

—I fear we have learnt a great deal more since Sir Malcolm Hailey used those words in 1924—

"and finally we were met with the recrudescence of conspiracy in Bengal."

All those factors are still present in the life of the country today, and I feel sure that the House, at a time like this, will not press us to part with a weapon which enables us to deal with all these dangerous revolutionary movements and to deal with them as they can best be dealt with in the initial stages, and not wait until they have broken out into open violence.

My Honourable friend, the Mover, suggested that we should agree to the circulation of his Bill with a view to ascertaining the opinion of the country. Sir, the view of the Government in regard to this Bill is perfectly clear. They are entirely opposed to it, and, in those circumstances, they cannot agree to the circulation of the Bill or to any suggestion that they are prepared to consider the repeal of Regulation III.

Mr. Amar Nath Dutt: Sir, I am very sorry that I could not get support for circulation of this Bill from the Government. My friend
12 Noon. says that there are Non-Official Members opposing it. Of course, my friend, Mr. Sen, is over there. I do not think that he was in earnest. Probably he was in one of those jovial moods, which he often exhibits, when he opposed this motion for circulation.

Sir, I have heard all that has fallen from the Honourable the Home Member with respectful attention, and I quite appreciate his statement when he says that the last ten years have disproved Government's optimistic anticipations. But, Sir, in spite of that, I would like to press for the circulation of this Bill, because this Bill has nothing to do with the retarding of constitutional progress, or, for the matter of that, helping the Government in any way to uproot the causes of terrorism or communism.

[Mr. Amar Nath Dutt.]

My suggestion was that, according to the recommendations of the Repressive Laws Committee, this Regulation might be so amended as to be made applicable only to the foreign relations of the Government and not to civil disorder, because, as I have already said, laws have been enacted in all Provinces wherever they were necessary, which, according to my friend over there who opposed this motion, are more barbarous and more inhuman. I am not here to discuss about either the merits or the demerits of the laws that have been enacted either in the Provinces or here, but what I do say is that there is no necessity to retain this archaic piece of legislation at the present moment in the Statute-book, considering that the Government are armed with all the powers that are necessary to put down subversive movements. I hope that Government will still see their way to accede to this motion for circulation. It may be the opinion of the Central Government that this Regulation is necessary, but there may be other Governments which may hold different views and they may hold that they are sufficiently armed with powers under the existing laws. Again, there is another body which deserves our respectful attention, namely, the responsible public opinion of the country. I am sure that neither the Home Member nor the Government of India will ignore that, and if responsible public opinion coincides with what has been expressed by the Honourable the Home Member, then it will be for us to consider whether we should not drop this Bill. But, before that, I once more appeal to the Government that no harm will be caused if the Bill is allowed to go into circulation, and I hope that Government will still see their way to give their hearty support to this motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to repeal the Bengal State Prisoners Regulation, 1818, be circulated for the purpose of eliciting opinion thereon."

The motion was negatived.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir I move:

"That the Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code, be circulated for the purpose of eliciting opinion thereon."

This Bill owes its authorship to a great extent to the late Mr. A. Rangaswami Iyengar, an eminent journalist, who has been snatched away from his earthly activities to the deep grief of Indian journalism and Indian politics. Sir, after consulting journalists in this country, his colleagues in the Upper India Journalists' Association and out in the country, he thought that the time had come to bring forward a legislation of this kind. You will realise how much opposition there was in this country when the Indian Penal Code was first enacted; and when it was amended, the opposition grew. My Honourable friend, Raja Bahadur Krishnamachariar, who is a close student of legal developments in this

country and of opposition to the restriction of popular freedom, will probably be able to recall the famous opinion of Diwan Rangacharlu who objected strongly to that enactment. My friend and Leader, Sir Hari Singh Gour, in his able writings, has placed on record the opposition that was recorded, and I may read for the benefit of this House and those out in the country the objections that were taken to the section from Sir Hari Singh Gour's book, "The Penal Law of India", Volume I, page 765, paragraph 1230.

Mr. N. M. Joshi (Nominated Non-Official): Is it a presentation copy?

Mr. C. S. Ranga Iyer: "Presentation copy?" Presentation to the Library for the benefit of Honourable Members in this House. (Laughter.) I wish I had a conversation on that subject with my learned Leader, but unfortunately it was only last evening that I noted the fact that this Bill would be coming this morning, and, therefore, I have tried my best under the worst circumstances, not being a lawyer myself, though I shall occasionally be helped by Mr. Joshi's lucid interruptions, such as the one he indulged in just now as to whether this was a presentation copy. I wish he had helped me in carrying all these Volumes to my home from the Library. (Laughter.)

"The clause, as originally drafted, was animadverted upon by those to whom the Bill had been sent for opinion. Mr. Norton (*the father of the famous Norton that we knew*) remarked:

'I conceived the composers of this Code are as unfortunate as all others have been in that effort. Words *spoken* and *signed* made and words written with a view to sedition or of exciting disaffection are of very different effect and criminality, and the vagueness in the definition of slander is such that no two persons would probably agree in their sense of it. But the greatest objection appears to me to be the enormous severity with which the most trivial slander against Government by the most trivial sign of communication may be visited, extending as it may to banishment for life added to unlimited fine.'

Mr. Huddleston considered the clause to be wholly indefensible while Mr. Cochrane considered 'that, as a mere matter of public policy, every Government should avoid punishing mere words unless such be accompanied by acts injurious to the interests of the State. But this clause does not only apply to words, but is in fact a direct attack on the public press. The expression as is compatible, with a disposition to render obedience, which is the qualification of the clause appears to me of a very dangerous tendency, and calculated to place men's rights and liberties in the discretion of each particular Judge.'

—Sir Hari Singh Gour here adds the information:

"He also commented on the severity of the sentence provided for the offence."

This was nevertheless amended, but, before it was amended, when it was introduced in the old Governor General's Council in 1870, the Mover of the Bill stated in his reply, because objection had been taken even by the British Indian Association to this section of the Indian Penal Code—and objection was taken on the ground that even the provision of intention, the burden of proof falling upon the Government who proceed against the Press or arrest the politician who offends under this section, even that was considered by the British Indian Association not to be adequate—the Honourable Mr. Stephen replied to it in the following terms. But before I read the reply, I may state that even though he said the mention of intention in the section itself or the explanation was an improvement of the matter, still the subsequent amendment took away even that intention. The whole purpose of my Bill will be to provide, in the light of

[Mr. C. S. Ranga Iyer.]

the judgments delivered by High Court Judges, that intention is a vital matter to be taken into consideration before coming to a decision in cases under this particular section. I shall now read to you what the Honourable Mr. Stephen said to the British Indian Association who objected to this Penal Code amendment in 1870: He said:

"Another objection was that the law punished intention and we were told that the effect of it would be, that people whose intentions were innocent might be convicted. That merely amounted to saying that mistakes might be made; but that was the case with all laws."

That was the opinion held in those distant days and there were not any special laws to which the Honourable the Home Member just referred with obvious delight:

"In the Penal Code, wherever you might refer to it, you would find that the intention made the crime. It was strange that that argument should be used, when it was considered that the Act, which declared that the intention of the publisher of an alleged libel should be determined like other questions of fact, had always been regarded as one of the greatest triumphs of the popular cause in England."

The trouble arose in the year when this was subsequently amended and it was then that our friends in the old Governor General's Council, including the Maharaja of Darbhanga, took very strong objection to the amendment of the Indian Penal Code. It was in 1898. I shall presently refer to what the Maharaja of Darbhanga said on that particular occasion. What he said has been justified in the light of subsequent judgments, that of Justice Strachey and others. He said that the word "intentional" should not have been omitted and, on the contrary, included. He moved an amendment in the old Governor General's Council, as it used to be known, to substitute the word "intentional" in its proper place. He said:

"The object of my amendment is to make it quite clear by the insertion of the word 'intentional' that *an intention to produce the effects contemplated by section 124-A is the basis of the offence*. In this proposal I am happy to find that I have been so fortunate as to obtain among others the weighty and valuable support of the majority of the Honourable Judges of the Calcutta High Court and of the Calcutta Bar. I observe on reference to the letter received from the High Court that the majority of the court are of the opinion that it should be clearly stated in the section that the gist of the offence of sedition lies in the intention to produce the effects mentioned therein. I need not dwell upon the importance or upon the significance of such a declaration from such a body. To the deliberate opinion of these matured judicial minds I have to add that of the Calcutta Bar."

This is what he said. I hope the Honourable the Home Member, when he rises to speak, will not put the Maharaja of Darbhanga under the category of modern politicians, because he wore loyalty not only in his heart, but also on his sleeves.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): My friend probably refers to the grandfather of the present Maharaja and not to Rameshwar Singh, the father of the present Maharaja.

Mr. C. S. Ranga Iyer: The old Maharaja of Darbhanga was a great patriot, but he was loyal, and with that loyal frankness, which, as Sir Rash Behari Ghosh said on a later occasion, is the true symbol of loyalty, he spoke his feelings in opposition to this particular amendment

and he quoted for his authority the very loyal people of the Calcutta High Court, as I am going to read: He said:

"It is in the ranks of the Calcutta Bar that Your Lordship will find some of the most brilliant intellects and some of the ripest and most experienced lawyers in the country. I have only to mention such names as those of Sir Charles Paul, Mr. Pugh, Mr. Jackson, Mr. Bonnerjee and Mr. Garth to command instant assent to my proposition. What do these learned counsel and their colleagues of the Bar say with regard to this matter? The gist of the offence undoubtedly is the intentionally exciting or attempting to excite feelings incompatible with due obedience as a subject and disposition to assist the Government of the country in time of need. Anything short of this may be defamation, but it is not sedition."

The Maharaja Sahib went on to quote the opinion of Justice Cave and Justice Stephen. He proceeded further to point out the danger that, according to the Indian view, they stood by the amendment of that section and he spoke, as Mr. Amar Nath Dutt just suggested, in the language of those 19th century politicians who were the leaders of the Congress, for Congress in those days had not embarked on uncharted seas of what the Honourable the Home Member might call disloyalty. Its organiser and founder was a Viceroy, and if some of the books on that subject are read, it will be found that Lord Dufferin communicated with Allan Octavian Hume, a distinguished member of the Service to which the Honourable the Home Member belongs. (Hear, hear.) Lord Dufferin suggested to Hume the necessity of starting the Congress and, therefore, even the founders of the Congress in those early days were staunchly loyal people. (Interruption by Mr. Amar Nath Dutt.) Mr. Amar Nath Dutt knows these facts and I am sure he will be able to help me at a later stage. The Maharaja of Darbhanga then pointed out:

"According to the proposed law for India, the intention is to be inferred from the words used. As regards the assertion of the Honourable the Legal Member that in England the intent is inferred from the words used, I would venture to observe that Sir James Stephen has given a very different testimony, as will be seen from the following lines quoted from his 'History of the Criminal Law of England' and which are those referred to by Mr. Justice Cave in the extract I have just given."

— I do not propose to read the whole of the extract, but I shall just read this:

"In order to make out the offence of speaking seditious words, there must be a criminal intent on the part of the accused, they must be words spoken with a seditious intent and although it is a good working rule to say that a man must be taken to intend the natural consequences of his acts and it is very proper to ask a jury to infer, if there is nothing to show the contrary, that he did intend the natural consequences of his acts, yet, if it is shown from other circumstances that he did not actually intend them, I do not see how you can ask a jury to act upon what has then become a legal fiction. I am glad to say that, with regard to this matter, I have the authority of my learned brother Stephen."

This was the opinion of Justice Cave in the well-known case of *Queen v. Burns*:

"The maxim that a man intends the natural consequences of his acts is usually true, but it may be used as a way of saying that, because reckless indifference to probable consequences is morally as bad as an intention to produce those consequences, the two things ought to be called by the same name and this is at least an approach to a legal fiction. It is one thing to write with a distinct intention to produce disturbances, and another to write violently and recklessly matter likely to produce disturbances."

[Mr. C. S. Ranga Iyer.]

Then the Maharaja of Darbhanga said :

"My Lord, I cannot forget that although Sir James Stephen, in spite of the protest of a large section of the Native and European public, thought fit to support the enactment of the Sedition Law of 1870, *he yet felt bound to give that protection to freedom of speech and writing to which it is entitled, by providing good safeguards, namely, by making criminal intent and incitement to force essential ingredients of the law of sedition.*"

I want that the Indian Penal Code should be restored to its original purity. My contention is that it has been spoilt, as explicitly stated in the Statement of Objects and Reasons, by bureaucratic tendencies and "bureaucratic Courts"—a phrase which the late Mr. A. Rangaswami Iyengar used. Sir, it may be asked why, when the Government are bringing forward so many repressive measures, I should think of amending the Indian Penal Code.

It may be said in the identical words just now used by the Honourable the Home Member—"events have not stood still during the last ten years". I may go on and say, events have not stood still during the last twenty years. Events have not stood still during the century, which is still young, and, therefore, the prophets of the last century provided for the events of this century by altering the Penal Code in 1898. They were then on the morning, nearly on the threshold of this century, and, as true prophets, they provided for events. I am perfectly willing to concede that they knew that events were marching fast in this country: and as Lloyd George said about his own country and the world—as to events after the War, "we were being dragged through the track of centuries". Therefore, I can understand—even though not agreeing—I can understand why the Indian Penal Code was amended. It was objected to, as students of the then opposition to this amendment are aware, not only by the Indian press, but by the European press and the Anglo-Indian press in this country; it was objected to by every politician, whether Indian, European, or Anglo-Indian, every non-official politician worth his salt and it was opposed strongly by the non-official representatives in the old Council. In spite of that, it was enacted, and it was enacted with a view to meeting sedition, which was growing in this country. And what was that sedition? That sedition was nothing less, nothing more than to acquire for ourselves the right which England has—the right of self-government. During this century, politicians and the press have carried on a raging, tearing campaign for self-government, "colonial self-government" as Dadabhoi Naoroji first described it, though some of the speeches of Dadabhoi Naoroji in England, if re-published and reported in India in those days, would have come under section 124A as amended in 1898. All his speeches and all his writings could not be published in this country even though he could preach and write what he liked in Great Britain, because the law of suppression masquerading as the law of sedition in this country is unknown in England, unknown in the manner in which it has been exercised in this country with the deliberate intention and purpose of a foreign Government, too foreign in those days and far off towards settling the destinies of this race away from the people and public opinion—that Government had to protect themselves by bureaucratic laws, and thus the law of sedition was made very severe. Even the scope and the proving of intention was taken out of the Bill which, later on, became the Act, though subsequent Judges and subsequent rulings insisted that the intention should be proved. In this connection

I may draw the attention of this House to the judgment in what is probably known as the Ramnath case in the Punjab Chief Court, as it then was. If, Sir, you will read Ramsay Macdonald's beautiful book, 'The Awakening of India', you will find he talks of the I. C. S. bureaucrats in this country as Imperial and imperious, strutting about like peacocks. (Laughter). Those were the unregenerate days of socialist Macdonald. If you will read that book, you will find that the Government of this country were very chary about the expression of opinion in this country. When he went to Bengal in those days, he said: "The winds whispered to me, 'beware of the Bengali, beware of the Babu'." Those were, Sir, terrible days, because those were the days of awakening, and what happened? As public opinion grew, the Government pursued their own amended Indian Penal Code. They bravely came forward, as the Honourable the Home Member just now, in replying to my friend, Mr. Amar Nath Dutt's Bill to repeal Regulation III of 1919, said, "not standing before enemies, naked and shivering". That is the policy of the Government; their enemies have increased in the country. Everyone who said, "change this Government, let us have self-government", was an enemy of the Government. Those were days when Surendra Nath Banerjee was an enemy; those were days when Aswini Kumar Dutt was interned under Regulation III, though a Home Member years after regretted that he should have been interned as he was only responsible for "a whirlwind campaign in the country"; and thinking that this section was not enough for their purposes, and feeling that their enemies would construe them as standing before them "naked and shivering", they gave us a shower of repressive laws. These repressive laws were gone into by the Repressive Laws Committee, the Chairman of which was a distinguished Law Member, the distinguished predecessor of his distinguished successor, I mean Sir Brojendra Mitter; that Chairman was no less than Sir Tej Bahadur Sapru, who recommended the repeal of some of those repressive laws, because he thought section 124A of the Indian Penal Code was long enough and strong enough. If the Honourable Sir Brojendra Mitter were to repeat from his memory—for I am certain he has committed that speech to memory—the famous speech of Sir Rash Bihari Ghose opposing the Bill in the old Imperial Legislative Council, if he were to read the relevant passages of that classical speech delivered by the late Rash Bihari Ghose, he will find that Rash Bihari Ghose opposed that Bill on the ground that the civil sword is long enough and strong enough to put down and exorcise an inconvenient public awakening. Therefore, he asked, why bring in a Seditious Meetings Bill? Sir, at every stage the Opposition in this Assembly and during its predecessor's life opposed the special laws and the repressive laws.

Lastly, Sir, there was the Press law. We went into committee over it, we came to a decision in regard to that. Many compromises were arrived at, and the Bill was passed. We objected to clauses to which we did not agree, and the Special Press Emergency law came into existence. As soon as we reached our homes, an Ordinance was issued amending a law which the Government themselves had brought before us, which the Government had discussed with us in committee and which the Government had agreed to, on the floor of the House; lest they should be considered as standing "naked and shivering", they indulged in the luxury of enacting this naked and almost savage Ordinance (Hear, hear) to meet, as they felt, those savageries of an awakened or an awakening public

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goaded by the spirit of civil disobedience. I admit "events have not stood still during the last ten years". Government, like the Honourable gentlemen opposite, had been feeding upon diets of repressive laws, perhaps over-feeding. Lately, we had the Criminal Law Amendment Bill. We opposed it tooth and nail, but it was passed. Fortunately, so far as the press was concerned—and the press was concerned with that particular Bill mainly—it was stipulated for a particular period. Sir, the only healthy piece of legislation that they have brought forward is, I should think, making it impossible for the Indian press to criticise poor native princes more strongly than even alien bureaucrats are criticised. But in the light of so many repressive laws wrung out of us, wrung from unwilling hands, I ask, has not the time come to amend the Indian Penal Code? I ask, is it not repugnant to the feeling of the Honourable the Law Member to make the Indian Penal Code worse than what it is? It is repugnant. I find the Honourable Member taking notes, because he will show that it is repugnant, that he and we agreed in the Select Committee, as you can judge from the published report, that the Indian Penal Code should not be tampered with, but a special Bill be introduced for the purposes which the Government have in view. Sir, it is with the tampering with of the Indian Penal Code that I am concerned today. And in many cases, when the press was put down, it was put down with a purpose, the purpose being to cut off the coals that feed the political life, the political upheaval in this country.

I do not grudge the bureaucrat the rules, the laws, the special laws and the amended Indian Penal Code that he had up till now. But I have a right to ask, now that we are living in spacious times, now that Swaraj is coming to us, now that provincial autonomy is coming to us, and when this section of the Indian Penal Code can be administered not only by the Government of India, but also by the Local Governments, why do you want to have the present laws meant for a past occasion? Why not approximate, as closely as possible, the spirit of our laws like section 124A to the spirit of the British laws? And, in regard to the British laws, my friend and Leader, Sir Hari Singh Gour, in his informing Volumes has succinctly stated the case, the case for the differences between these two laws. This is what he says:

"Sedition was in England formerly classed as a contempt and misprison against the King's person and Government, and which it was said 'may be by speaking or writing against them, or cursing within him ill, giving out scandalous stories concerning him, or doing anything that may tend to lessen him in the esteem of his subjects, may weaken his Government, or may raise jealousies between him and his people.'"

And now he comes to the distinction:

"But while it is so, English Law presents some noticeable divergence which should not be overlooked. In the first place, the law of sedition is regarded in England as a branch of the law of defamation, and as English law makes a difference between spoken and written libel, the same difference marks the laws of sedition libel which, however, is absent from the Code. So, while it is perfectly true to say in England that words *merely spoken* against the King or his ministers cannot amount to treason it will be absurd to apply the rule to India."

Sir, I wish to point out now that as parties are going to develop in this country, will it not be dangerous to put into the hands of one set of party leaders in power the same weapon of section 124A which was put

in the hands of our "ma-bap Government", the custodians of the conscience of the people and irremovable from their places of power and, therefore, immune from the kind of criticism that will necessarily have to be levelled against parties in power? Many of the English newspapers cannot be conducted in India in the same spirit and style in which they are conducted. I remember the occasion when the *Daily Mail* carried on a raging campaign against Macdonald's Socialist Government. It spoke "lies" against that Government, as the Socialists described its attacks. Then we had the "forgery", as the Socialist Ministers of a later date and of an earlier date and of the same date decried it, though after the election they were thrown out of power. Such lying publications are possible in England and they were condemned by the Government's opponents, the Tory opponents as they were at the time, as forgers. The Government were described as consisting of bounders, who were plunging their hand deep into forgery to carry on the Government of the country. Can such a cry be raised in this country? Supposing our Socialists come into power and a Tory die-hard wants to stand up and say that some kind of document has gone from this Government to one of the Governments just beyond India, I would put it like that at present. And then a newspaper calls them names, as many names as the *Daily Mail* called during the Zinovieff election and the great Conservative Ministers followed suit by carrying on a tearing, a monstrous campaign against their opponents, because they wanted to capture those places of power. They were election lies, I admit, but they were levelled against Government. The Government bear it: they cannot take action. In the first place, there is the tradition which you do not have in this country. We have the tradition of repressive laws: we have the tradition of suppressing the newspapers. Inconvenient criticisms can be put down and the Indian Penal Code, in their opinion, could not be constantly abused, and, therefore, special laws are brought into existence.

I know from my own personal experience that this section has been very very much abused indeed. When I was editing the newspaper, the *Independent* of Allahabad, I indulged in a series of serious criticisms against the Government. Those were the days of *Kisan* awakening, and without going into names on this occasion there was shooting of the *Kisans* in Rai Bareilly. My special correspondent was Pandit Jawaharlal Nehru. He went in a motor car to Rai Bareilly and saw dead bodies piled on *tongas*. I got my account from him which has not up till now been disproved, either by the Government or in a Court of law. I was not prosecuted under section 124A; they abandoned the prosecution. But they prosecuted me under section 108, a very convenient section. They arranged for a special train to march me to the prison. I was considered to be so dangerous then. A letter came from the Home Secretary or the Private Secretary to the Governor giving me a *locus poenitentiae*. They were very generous to me. They showed me, even in taking me to the prison, that generosity which the great leaders do not enjoy. I got a special train; they do not get a special train. I had super-special treatment in the jail; they do not get super-special treatment. Though the verdict was pronounced that I was to get one year's rigorous imprisonment, I was treated only as a "first class misdemeanant", a treatment which, I am sure, no other person then received. The Jail Superintendent described me as "a first class misdemeanant". I was not proceeded against under section 124A. If I were to read that letter on the floor of the House today, you will find there was sufficient implication in that letter that if I were to reject the *locus poenitentiae*

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that was given, I would be proceeded against under section 124A. Extracts, as is the custom of all Governments which want to suppress the newspapers in all parts of the world, were made from the articles that suited the Government's purpose torn out of the context, and it was for me, even though my colleagues including Pandit Jawaharlal Nehru did not like my writing a long letter in reply

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair proposes to adjourn in five minutes.

Mr. C. S. Ranga Iyer: Thank you very much. I can resume my speech after Lunch and then probably I will be in a better position to develop my arguments. I am very grateful to you for reminding me that you propose to adjourn in five minutes and, therefore, I shall conclude this part of the story in a hurry. At least this part must be completed.

. That is what some of my colleagues did not agree to. But I showed by my quotations from the self-same articles that what I had preached was not violence, but what I had condemned was the violence of the Government. I must make it perfectly clear that so far as the Rao Bareilly affair was concerned, there was no case of official violence.

But the articles referred to various other things that were happening in the United Provinces, every time calling upon my people to be non-violent and condemning the official violence, the official excesses. They abandoned taking action under section 121-A and, as a result of which, I happen to be a Member of this House though one year inside the prison. Sir, every journalist does not get the same concession that I got, the same consideration that I got. (Hear, hear) I was editing in those days a great paper, which was the favourite of a great man, my friend, the Raja of Mahmoodabad, then the Home Member of the Government of the U. P., although Aldous Huxley, in his interesting book, "The Jesting Pilate", refers to a conversation which took place at a dinner at which Sir Lancelot Graham was present and the late Pandit Motilal Nehru was also present and I and a few others were also present, and there it was mentioned that rivers of Champagne used to flow between a particular person in Lucknow, M— (dash) and the Governor of the Province, B— (dash), not B. Das. (Laughter.) Sir, Huxley suspected that rivulets united them. I am now placing before you the pleasantest occasion in the public life of the United Provinces, for Pandit Motilal Nehru was a great favourite of the Government. They all disliked his becoming an opponent of theirs, but they had a soft corner for him and, therefore, in the United Provinces, in a newspaper, though owned by the public, the Chairman of which was the Pandit, they showed a great deal of consideration, though putting inside the prison all his editors, they proceeded against every one of them under one section or another, and I got the most convenient section, section 108, which, I say, is quite good enough to put down the poor editors. There is also section 124-A. Besides, you have now got your Press Laws. I find my esteemed friend, the Leader of the Opposition, Sir Abdur Rahim, with all his judicial experience and legal knowledge, taking a strong exception to the expansion in the new Bill of the spirit and purpose of section 144. That is even though he supports one of the

main sections of this new Bill, he does not want it to be expanded. Of course I have not joined hands with him, because, having agreed to the main principle in the Bill, namely, putting down *jathas*, well, it is not very much my concern whether you expand or contract section 144. My purpose is this. I tell the Honourable the Home Member that I do not want the Government to stand "naked and shivering" when their enemies are fighting them. I do not mind giving the Government weapons which they take often times in spite of me as they have done so often on the floor of the House. I tell the Government: "You have got laws to meet all your purpose, why not restore this Indian Penal Code to its original purity, and that original purity has been argued at some length by many learned judges that they insist in various cases the establishment of the point in regard to intention."

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till two o'clock.

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. C. S. Ranga Iyer: Sir, I had given some legal arguments this morning though they lie in the sphere of learned friends like Sir Muhammad Yakub and Raja Bahadur Krishnamachariar. I think I must continue, now that I have stated the press and the political arguments, the legal arguments to justify the amendment that I seek to be put into the Penal Code. Sir, for this it is necessary to place before the House, though lawyers know it, how in the old Penal Code this particular section stood, how it was amended and how I seek to amend it further now. For surely mine is a little more far-reaching than the repealed Penal Code as it stood before 1898, for I am incorporating these words into it: "with intent to incite to disorder, or violence, or the use of force in any form calculated to subvert or resist the lawful authority of the Government". And I am also mentioning "simple imprisonment which may extend to three years, or with fine or with both". Sir, it was Lord Macaulay, who first wrote out this particular section, and Macaulay's words were these, though I do not know whether they were actually enacted,—I believe they were not enacted:

"Whoever by words, either spoken or intended to be read, or by signs or by visible representations, attempts to excite feelings of disaffection to the Government established by law in the territories of the East India Company among any classes of people who live under that government shall be punished with banishment for life or for any term from the territories of the East India Company, to which fine may be added, or with simple imprisonment for a term which may extend to three years to which fine may be added, or with fine."

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority is not disaffection. Therefore the making of comments on the measures of the Government with the intention of exciting this species of disapprobation, is not an offence within this clause."

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As enacted in 1870, the section ran thus,—I am quoting from Mayne's Criminal Law, 4th Edition:

"Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government with the intention of exciting only this species of disapprobation is not an offence within this clause."

In 1898 this was amended and the "intention" was left out. It was no longer necessary for the Government to prove the intention of the man or the newspaper they catch under the amended section. This is the amended section of 1898:

"Whoever by words, either spoken or written, or by signs or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards His Majesty or the Government established by law in British India shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine."

Not one of these *Explanations*, so far as I remember and as you will presently see when I read it out, contained the intention clause.

"*Explanation 1.*—The expression 'disaffection' includes disloyalty and of feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence under this section."

Sir, I want, in the light of the numerous judgments that have been delivered under section 124-A on the offending press and politicians, to incorporate what the Judges themselves have said into the section itself. In the famous Bal Gangadhar Tilak case, Justice Strachey mentioned at length the aspect relating to intention before delivering his judgment. Intention, I admit, is taken into consideration by the Judges, because the other side argues very strongly and at length on the intention of the accused. Therefore, it is impossible for the Judges to ignore this argument while addressing the jury. Numerous cases may be cited. There is the case of Mrs. Besant *versus* the Advocate General in Madras in 1919; you had numerous press cases in Calcutta and Justice Jenkins' remarks, and so on. Justice Fawcett held in Philip Spratt's case also about intention. We have also the notes of the Judicial Committee of the Privy Council on this matter. I shall, if necessary, go into these presently, but it will suffice to say that the Bombay High Court has held it impossible to convict the accused under this section unless it was found that he had the intention of exciting disaffection. You find that in Ratanlal, page 282.

After hearing the reply of the Honourable Law Member, I shall, if necessary, quote in my reply relevant parts of judgments which refer to intention. As it has become customary for Judges to dwell on this matter and as codification of laws is generally the result of accumulation of judgments, I do not and I cannot understand why my amendment should not be accepted. "No intention means no sedition" is the argument that we generally urge, and that the Judges take notice of while addressing the jury. Why then not make your law clear, because the law should be clear, the law should be definite, the law should not depend upon the judgment of the Judges? Ratanlal has several paragraphs on this question of intention. I need not read the whole lot of them, because it will take much of the time of this House, but relevant portions may be read. He says:

"Justice Strachey, has elaborately discussed the circumstances which should be taken into account in judging the intention of the accused. In his charge to the jury in the Bal Gangadhar Tilak case, he said 'You will thus see that the whole question is one of the intention of the accused in publishing these articles'."

If that be so, why not incorporate the intention clause as I have suggested, which you had eliminated from the *Explanation* clause in 1898 by substituting three new *Explanations* instead of the old comprehensive one? Justice Strachey says:

"Did they intend to excite in the minds of their readers feelings of disaffection or enmity to the Government? Or did they intend merely to excite disapprobation of certain Government measures? Or did they intend to excite no feeling adverse either to the Government or its measures, but only to excite interest in a poem about Shivaji? If you think that such readers would naturally and probably be excited to entertain feelings of enmity to the Government, then you will be justified in *presuming* that the accused intended to excite feelings of enmity or disaffection."

Why leave it to presumption? Why not leave it to proof itself? Let the party concerned, which wants to lock up a particular person, which wants to deprive a press of its freedom, or the newspaper man of his liberty, be called upon to prove the intention by law. Justice Blackwell in Krishnaji Khadilkar (1929), Second Criminal, Sessions, case No. 1, decided on March 27, 1929, says (I am quoting from Ratan Lal, page 281):

"You must judge the intention having regard to the time at which it was written, the place where it was written and the whole circumstances in which it was written."

It is not very clear from this whether it is Justice Strachey's opinion or Justice Blackwell's or whether actually Justice Blackwell based it on that; but judging from the foot-note it is clear that this view is attributed to Justice Blackwell, though identical views have also been expressed by Justice Strachey:

"In judging the question of intention of course the language of the article itself is of the utmost importance in enabling you to decide what was the intention of the writer, reading the article as a whole. But you are by no means confined to the language of the article itself. The subsequent articles are also admissible for the purpose of ascertaining the intention of the accused. It has been laid down that provided the words used and the article sought to be introduced were used and published within a time reasonably near to the time of the publication of the words which you are seeking to construe, then it is open to the prosecution to put even the subsequent words in evidence for the purpose of enabling the jury, taking the matter as a whole, to come to a conclusion as to what was the intention of the writer"

Jenkins, C. J., very tersely said:

"To determine whether the intention of the accused was to call into being hostile feelings, the rule that a man must be taken to intend the natural and reasonable consequences of his act must be applied: so that if on reading through the articles the

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reasonable and natural and probable effect of the articles on the minds of those to whom they are addressed appears to be that feelings of hatred, contempt, or disaffection would be excited towards the Government, then it is justifiable to say that the articles are written with that intent and that they are an attempt to create the feelings against which the law seeks to provide."

I can read more opinions, but it is unnecessary at present to go further into it. Pages 278, 279, 280, 281, 282 and part of 283 deal with the question of intention in the beautiful volume on the "Law of Crimes" by Ratanlal and Dhirajlal Thakore. Honourable Members, lawyers, in this House, know these things better than I do . . .

Sir Lancelot Graham (Secretary, Legislative Department): Yes.

Mr. C. S. Ranga Iyer: I hear my Honourable and learned friend, Sir Lancelot Graham, who I wish were speaking on my side today, saying "yes", for he could have presented the case of this side better than I, a layman, am able to present it. I have pointed out—more correctly, my friend, the late Mr. A. Rangaswami Iyengar, whom I miss today in this House and in the country, has pointed out in his Statement of Objects and Reasons—because it is his Bill—

"We are trying really to amend the Penal Code as to incorporate in it the spirit of the judgments made by the Judges from time to time"

I have only now to refer to the other section, and I may refer to it very very briefly, because there too my desire is to incorporate these words "with intent to incite to disorder or violence or disturbance of public tranquillity". I admit intention is mentioned in the *Explanation*. I need not labour that point very much, but I need only point out that this section 2 has got to be modified, so that, as the Government have got now ample stock of repressive measures, the Penal Code can become a little narrower in its scope and in its outlook. I have already given the political reason that, when parties come to power, it will be a temptation for the parties to pounce upon their opponents especially when strong and adverse criticisms are made, as they are made for instance in the British press. When I was in London in the stormy days when the British press wanted a Viceroy's head on a charger, very filthy statements appeared in the *Daily Mail* attacking the Government as having entered into a league with the Leader of the Opposition with whom the Viceroy was also supposed to have entered into a league. The Government was headed by Macdonald and the Viceroy was Lord Irwin; and in England he was headed by his old chief, Baldwin. Flaring streamer headlines appeared—for which if an editor in India had said the same thing about the Viceroy would have been locked up long long ago and then if Mr. Neogy, with all his talents and enthusiasm for the press, had stood up on the floor of the House on an adjournment motion, our friend, the Honourable the Home Member would have said, as he said this morning: "Do you want our Government to stand naked and shivering when the cold blast of public opinion through this uncomfortable press is so furiously blowing?" I sent, Sir, to one of my friends in the Government of India a cutting from the *Daily Mail* in those good old days with the remark that no vernacular newspaper in India descended so low, and probably, though I did not get a reply to my letter, he shared my enthusiasm for the condemnation of newspaper irresponsibility which runs riot on party occasions in England and are bound almost

to run riot in spite of oriental restraint in this country when new reforms and autonomous institutions come into existence. I ask, are our newspapers to have the same liberty as the British press, or are they to be condemned under the Penal Code in the manner in which they have been hitherto restrained. Party politics means you are attacking your opponent. It is a war. You declare war on your enemy. You want to capture his fortress and hand over to him your wilderness. You say the Leader of the House is a wild ass, as Chesterton freely writes. "Wild Ass" is an ordinary expression in English journals. Worse things are often said in his *New Age*,—that is the paper, I think, in which he was writing day after day when Lloyd George was Prime Minister. I was astonished. Again I looked and saw Chesterton repeating it and I felt that British politics and our politics would rise to the same heights, and I want that we should have the same charter. I wish that our liberties in this particular matter were as closely approximated as possible to what obtains in England. That is why I said, let us go back to the days of Macaulay, and if you are not prepared to go so far back, then go back to the free bureaucratic days, by which I mean the generously bureaucratic days . . .

Mr. F. E. James (Madras: European): You will be burnt at the stake.

Mr. C. S. Ranga Iyer: My friend, Mr. James, is thinking of his own country when he says "you will be burnt at the stake", for I know when people were burnt at the stake in England,—in India, Emperor Akbar, a great, large-hearted, high-souled Mussalman was ruling and India was shedding her light over the barbarous mistakes under which England was suffering. So much for my friend, Mr. James' interruption, for in India in those good old days, there were no stakes . . .

Mr. F. E. James: You only burnt your wives.

Mr. C. S. Ranga Iyer: My friend, Mr. James, says we only burnt our wives. Our wives burnt themselves. We did not burn them. As Raja Bahadur Krishnamachariar said the other day, the Pandits at Madras sent a deputation to Lord William Bentinck to stop that voluntary burning, but these were involuntary stakes, and, as between involuntary stakes and voluntary burning, at any rate there is a certain amount of comparative divinity in the latter misfortune.

Sir, I must now refer briefly to section 153A with which my Bill deals in its third clause. I need not very much labour my argument on this particular aspect. As Ratanlal points out at page 349:

"This section was added by Act IV of 1898, section 5. It is extremely wide, though controlled by the *Explanation*. It supplements the law of sedition enacted in section 124-A.

It is unnecessary under this section, as in section 124-A, to establish the success of an attempt. A man cannot escape from the consequences of uttering words,—(and mark these words)—'with intent to promote feelings mentioned in the section', solely because the persons to whom they are addressed may be too wise or too temperate to be influenced by them. . . . The gist of the offence is the intention to promote feelings of enmity or hatred between different classes of people. The Court must be satisfied that the accused had a conscious intention of promoting, causing or exciting enmity and hatred between various classes, e.g., Europeans and Indians. There must be a deliberate attempt to incite one class against another. The essence of the offence is malicious intention. If there is no malicious intention

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in the publication, honesty of purpose may be inferred. It is necessary for the prosecution to prove that the accused had the intention in acting as he did, to promote enmity between the Hindus and Moslem communities. His intention may be gathered from the words themselves or may be proved by evidence dehors those words. Equally it is not incumbent on the prosecution to prove that his attempt to promote discord",

and so on.

Therefore, I ask, what objection do you have to bring these words which I suggest into the section itself,—I mean after the words "hatred between different classes" the words "with intent to incite to disorder or violence or disturbance of public tranquillity". I should like to know, Sir, why, in the light of the statements made by Judges in their judgments and commentators, the law should not be properly codified and clarified. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code, be circulated for the purpose of eliciting opinion thereon."

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): As a matter of suggestion, Sir, may I respectfully ask what the view of the Government on this Bill is, so that we may know exactly what to say and what not to say. I have not got a political record behind me to give stories about it, but I shall only

Mr. President (The Honourable Sir Shanmukham Chetty): Is the Honourable Member making a speech?

Raja Bahadur G. Krishnamachariar: No, Sir; I simply made a suggestion for your kind acceptance.

Mr. President (The Honourable Sir Shanmukham Chetty): What is the suggestion?

Raja Bahadur G. Krishnamachariar: The suggestion is that the Government should state now what their position is with regard to this Bill.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I may say at once that we oppose it.

Raja Bahadur G. Krishnamachariar: Mere opposing is not sufficient. My friend, Mr. Ranga Iyer, has been speaking for such a long time, and surely we are entitled to know exactly what are the grounds on which the Government oppose this proposition.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. Mr. Sullivan.

Mr. D. N. O'Sullivan (Bombay: European): Sir, I wish to make one or two very brief observations. I have listened with the greatest interest to what my friend, Mr. Ranga Iyer, has said. It is a matter of both pleasure and interest, outside this House and here to hear my friend on any topic in the world. Particularly amusing is it to us, who, to some extent, know and have an interest in the Law, to hear his views on legal

matters. I can hardly think he is serious in introducing this Bill with a view to remedying some of the evils which he suggests exist today with reference to the law as to the liberty of the press and the right of public speech. I imagine that this Bill has really been introduced with a view to giving him some scope for the outlet of his eloquence on these great subjects, and I am in entire agreement with his observations, broadly speaking on those subjects. We all agree that the liberty of the press in this as in any country is really a safeguard of civilization. In fact, I have no doubt that if the great Beaverbrook or any of the other great newspaper groups which exist today had existed in England at the time of King John, they would have had a provision inserted in the Magna Charta in this respect.

Sir, coming to this Bill, it seems to me that the whole matter is one of intention. The gist of the offence, as my friend said, is the intention. I well remember hearing of a case tried in Ireland where the prosecutrix charged a man before a magistrate for stealing her purse. It was elicited that the purse was secreted in the lady's garter. The question arose as to the knowledge of the man regarding the location of the purse. When the lady was questioned on the point, she said: "Your Honour, I thought his intentions were honourable." (Laughter.) Clause 2 of the Bill reads as follows:

"Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, excites or attempts to excite, feelings of disaffection to the Government established by law in British India, *with intent to incite to disorder*. . ."

It will be very interesting to hear from my Honourable friend with what intention a man ordinarily excites disaffection. There are constitutional methods open to him if he wishes to improve a certain state of affairs. It is not necessary for him to go to the extreme length of exciting disaffection against Government. But, apart from that, it appears to me that these words "with intent, etc.," are entirely redundant. No man can be convicted under the clause, as it stands, without being proved to have a particular intent. The difficulty in my Honourable friend's mind would appear to be—and he has complained of this—as regards the *proof* of intention—it is obvious to anybody that you cannot prove what is in a man's mind, you can only infer from his actions what his intention was. For instance, if I were leaving this House and my Honourable friend assaulted me violently on the back of my head with a thick stick and said, "My intention was entirely laudable to hasten your departure to lunch", I do not think that an ordinary man would really accept that as a statement of his intention. Therefore, it seems to me, as the clause now stands, that the words "with intent, etc.," are entirely redundant and ridiculous. With regard to the hardship that is inflicted upon a person by the working of these sections, I will refer my Honourable friend in regard to one of his observations—he said something in the course of his speech about the Civil Service and the difficulties in criticising members of that service—I would refer my Honourable friend to the well known case of the Crown *vs.* Tilak, the second case, I think, it was against Mr. Tilak. Mr. Tilak strenuously criticised the Indian Civil Service:

"He maintained that the British officials were paid too highly; that the Indians though free to discuss, had no effective control over finance or policy, that the present officials, though able and industrious men, did not really understand the needs of the people, that the Indians were kept in a position of slavery, and that the Government, as an alien Government, looked mainly to its own interest."

[Mr. D. N. O'Sullivan.]

It was held by the Bombay High Court that the speeches taken as a whole "were fair political criticism, not obnoxious under section 124A".

What more could my Honourable friend want? I think a judgment of that kind, which is a correct exposition of the law on the subject, entirely meets his case that section 124A inflicts any hardship in cases where there is a genuine criticism. A glance at the Statement of Objects and Reasons is instructive. My Honourable friend says:

"This development renders it necessary that early steps should be taken to amend the law so as to bring it into conformity with the acknowledged principles of civilised and free Governments and with the sound principles on which it was originally based. . . ."

At a later stage, he again refers to civilised Governments:

"It is sufficient to say that with the acceptance of the policy of responsible self-Government in India, the restoration of the law of sedition to the position it occupied in other countries and ought to have occupied in India all along. . . ."

I may not have listened with all the attention that my Honourable friend's speech deserved, but I failed to hear any reference from him as to what the state of the law was in other countries. It would have been most interesting if my Honourable friend explained to us what the state of the law as to sedition and as to the rights and liberties of the press in Italy is today, in Germany today, in any other country, to use his own words. (Mr. N. M. Joshi: "England") In England? With the greatest respect, I think anybody, who knows anything about the law of seditious libel or the liberty of the press, will agree that the liberty of the press in India today far exceeds the liberty of the press in any country, civilised or otherwise, in the world. The law as to the liberty of the press, the law of seditious libel in England is just as much as, if not more stringent than, it is in India in its application.

Mr. C. S. Ranga Iyer: Question.

Mr. D. N. O'Sullivan: Further more, the Courts in England have a great deal more control over expressions in the press than they have in India today, despite certain provisions in the law as to control by High Courts in cases of contempt of court. That, I think, meets my Honourable friend's remark regarding the liberty of the press in England. I will ask the House to agree in opposing this Bill. For these reasons, I hope this Bill will be thrown out.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I congratulate my Honourable friend, Mr. Ranga Iyer, on the very moderate tone of the speech that he made and also the spirit which he kept up throughout his speech, in spite of the sufferings through which he had himself undergone, although other people in the same position did not enjoy the privileges which he enjoyed.

My Honourable friend has brought out some points which are really serious and we ought to take notice of what would be the future position. He drew the attention of the House that in future the Government would be a Party Government and not a Government as it is today, and it is very likely that one Party which is in power may become very aggressive and like to put down their opponents in a very unjust manner. Or the Party may try to suppress all kinds of criticism fair or foul, and, therefore, my friend is anxious that the law should be amended now in advance. There is a great deal of force in his argument and there is a certain amount of apprehension that in future the law may be misused in order to gain power

for one Party over another. That time is very remote and we in 1934 cannot legislate for things which may come several years afterwards. The question is whether any amendment is required to the existing law or not. I wholeheartedly support one observation which he has made, namely, that we should not try to play with the Indian Penal Code every now and then. That law is one of the greatest assets to the Statute of this country. The amendment in the Penal Code must be made only when no other recourse can be had. My friend has made one observation that he, along with the Honourable the Home Member, agreed that in the other Bill, which had been referred to the Select Committee, the law should be a separate one and that the Indian Penal Code should not be altered. I congratulate those Honourable Members who hold this view and I think they have done a great thing in order to meet the wishes of this House. In the same way, I ask my friend, Mr. Ranga Iyer, that he should not play with amendments to the Indian Penal Code. He may say that sections 124A and 153A were not the original sections and that they had been put in later on, but they have been on the Statute-book for a long time, and they have been found to be useful. They have worked as a check on disruptive forces. The question here is whether it is a good law or a bad law. The second point is whether the circulation will bring any benefit or not. If it will not bring any benefit, then it is a useless motion and if the law, in the way it is sought to be modified, is not a good law, then it is not desirable to alter that law. My friend wants to drop the words "to bring into hatred or contempt" and to add the words "with intent". We must take the Government as they stand today. We do not know what the future will be like. There has been, of late, much evidence that people, in order to bring the Government into hatred or contempt, have done great mischief. One phase of their activity is to create an agitation against the Government in order to weaken them and to make the Government to yield to certain demands. If they wanted to make some sort of progress, their activity would have been welcome, but they ignored the result of their action. The result was that they began threatening people who were not of the same views as they were of. They encouraged all kinds of lawlessness in the country which culminated in murders and in the depression in which we find ourselves today. That is a thing which has got to be checked. The people may have one object, but they never keep within bounds, and their action has brought very bad results for the country, as a whole. Speaking as a zamindar, I know that several zamindars have been murdered in the United Provinces who went for the collection of their rents. The excitement created an idea in the minds of innocent people that the Government were going out and that they could give no protection. Anarchism was brought to the villages, which was accompanied by many other things which are bound to destroy our peace and peaceful progress. Peaceful progress in India is most essential. No Honourable Member will say that we have reached such a state of progress that no more help is required from the British Government. Whatever the views of some people may be, I am confirmed in my belief that for a long time to come India should welcome the association of England for her progress and prosperity. In this country, which has been accustomed to autocracy, ideas of democracy must come in slow degrees, and if we have to advance in these ideas, it must be by the association of Englishmen who bring with them these ideas from their country, in order to teach the people of India about the high traditions of real democracy by abiding by the law and not having recourse to license in the shape of liberty. I do not wish to give a kind of license to the press. I want to give liberty to the press.

[Mr. Muhammad Yamin Khan.]

Another section which my friend wants to amend is section 158A. The words here are "if any person promotes or attempt to promote feelings of enmity or hatred between different classes of Her Majesty's subjects". Now, it is not a common thing nowadays to find so much of communal tension rampant. Sir, communalism is prominent throughout this country. Have we not heard of cases like the *Rangila Rasul* case? Do we not know that many murders have been committed simply because one man excited the feelings of other persons? Such action in a country like India, which is an intensely religious country, should never be tolerated as it is bound to bring about hatred and feelings of enmity which are not beneficial for the country, but are bound to divide the communities unnecessarily. One man writes some ridiculous literature in order to gain popularity in one community, never considering that by his action he is responsible for dividing the whole country into two groups! Is it beneficial to divide the country into two groups? Should not all our efforts be to unite the communities, and not to say anything which may bring the two communities into unnecessary conflict and tension? Sir, I find every day the press alone is responsible for such actions and for creating disruption in the country. Sir, the whole country has been demoralised. Why? Because the press has been exciting the mobs and goading them into actions which should not be allowed to be taken. I think the press, however laudable may be their motives, do already have full opportunities of expressing themselves, and they must keep within the bounds of reasonable and temperate criticism and comment. But when their intention, as in some cases, is to gain cheap popularity and to go on intriguing with other people, certainly that is a position which we must put a stop to. Therefore, no responsible Member in this House would like these words to be taken away or dropped, especially at this time when the constitution is in the melting pot and when there are so many other people who are disturbing the peace of the country and who are dividing the country into communal camps. Why do you want to allow the press to have a free hand in order to do propaganda for all sorts of communalistic people? Communalism, Sir, everywhere is bad, and that ought to be checked. Sir, if the press had not been broadcasting all these mischievous things, these stories of little rubbish which they hear from some so-called special correspondent in a newspaper in black, bold head-lines, which are read by hundreds and thousands of people, without giving a moment's thought as to whether there is anything real underlying all these stories,—Sir, then there would not be so much trouble. One man is out to gain some cheap popularity; the other community begins to hate the other community simply because of one man's silly action.

Mr. Amar Nath Dutt: What about communal Leagues?

Mr. Muhammad Yamin Khan: Communities may be living peacefully together and may be desiring to come together, but there is one thing which stops them from coming together, and that is the unlicensed press which indulges in this sort of abuse and vituperation knowing that they cannot prosper unless they excite the feelings of their readers. That is the whole of their object, because it is their business to make money and they cannot make sufficient money without becoming popular in some way or other. Sir, nowadays, there is one thing. To abuse the Government or to abuse one community or the other is a great favourite game of many people. If one begins to abuse the Government right and left, he

at once becomes the greatest hero of the day, nobody considering whether what he says has any sense in it or not. Then, another person who is hailed as the greatest hero is the man who can swear and curse the other community with as much unlicensed and sharp tongue as he can use. Sir, such are the people who are called the heroes of the day in this country, the "leaders of the people", people who, however, are doing nothing but dividing the communities sharply instead of bringing them together! That is unfortunately the state of things in this land in which we live! People, who want to say something with moderation, who want to unite all sections of the people, must be sent into the background, they will never be liked by the press. Each Honourable Member who gets up in his seat and says that it is the Government which are dividing the communities in India is at once applauded in the press. Now, may I ask, is it right to say all these? If the Government are responsible for dividing the communities, why does this messenger of peace broadcast it all over the country, from Calcutta to Peshawar, from Madras to Baluchistan? Who is taking up all these things? Are we not going to stop these people? Do we want that this sort of thing should be broadcasted like this? No. As long as India and our unfortunate country does not destroy communalism, it is but right that these words should be kept in the section, and there should not be any such words as "with intent". A man's intention may be called to be very innocent, although he may be cursing somebody. I may begin to say something in criticism with good intent about *Shiva*. I may pass an innocent criticism, but still there will be hordes of people who will come down upon me, and they will not simply look into what, I say, my intention is. I may be thus, whatever be my intention, inadvertently creating a kind of dissatisfaction in the minds of some people, and their passions will be roused to the highest pitch. In the same way, any person, as in the *Rangila Rasul* case, may be writing something,—and what happened? Was it not a foolish and mischievous thing for one man to write all that and thus to bring about all these disturbances in the country? I may have a Hindu gentleman sitting next to me who may be one of my closest friends and with whom I may want to live peacefully and amicably; but this man comes in, and he simply wants to divide us into two! Why should he be allowed to divide us in that way? Sir, I say this. Section 153A is the best section which ought to stand today in the Indian Penal Code (Hear, hear), and that should not be amended in any manner, in the present circumstances and at the present moment and in the present days. My friend's object in amending the Code in this way will not prove in the least beneficial to the country, it is not a thing which is at all wanted by the sane and responsible sections in the country and it is wholly unwanted, and this motion will not serve the purpose which my Honourable friend seeks to serve. Therefore, I oppose his motion.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Sir, I am very grateful to you for allowing me this opportunity to speaking on this motion. Sir, I was rather surprised that it occurred to some Honourable Members on the floor of the House just to suggest that unless and until, in the words of Mr. Ranga Iyer, the pristine purity of the Indian Penal Code is restored, there will be trouble when there are changes in the Constitution. The purity is there. The Rule of Law is the purest all over the world. Mr. President, I am a very quiet man and this Bill has touched even a man of my calibre and temperament, because it is a great slander on the capacity, integrity and honesty of the Indian people. The insinuation both of Mr. Ranga Iyer and Mr. Muhammad Yamin Khan was

[Mr. Muhammad Anwar-ul-Azim.]

this that, if any Ministry came into power either at the Centre or in the Provinces, they would use their powers in such a way that they would crush the very spirit of the Indian Penal Code and use it against their "opposition".

Mr. Muhammad Yamin Khan: I never said that they will do it. My friend is misinterpreting my speech. What I said was that the speech of my friend, Mr. Ranga Iyer, deserved some kind of consideration as there was a likelihood that it might be used. I never said that it would be used.

Mr. Muhammad Anwar-ul-Azim: When boiled down, it comes to the same thing, because the apprehension is there. The apprehension of Mr. Yamin Khan is that, unless and until these things are added in the very words of Mr. Ranga Iyer, perhaps there will be trouble in the working of the future Constitution. I am the last person to share this pessimism, nor is it shared by the class of people who are likely to play an important part in the coming Constitution. I can assure both the Honourable Members that it is very much regrettable that elected Members of this Assembly should think that things of that nature will ever happen. If I have listened carefully to the long and interesting speech of Mr. Ranga Iyer, I think his only grouse is this, that unless and until the much maligned word "intention" is clarified and properly put at a certain place in the Indian Penal Code, against sections 124-A and 153-A, all the activities of persons of his class will be jeopardised. I can assure him that, really speaking, that is a very pessimistic view to take. If his contention is, Mr. President, that things are different in different parts of the world, such as America or Europe, then I can only say that the blame does not lie at the door of the Government of India, rather it is we who are to blame. Mr. Ranga Iyer has tried to analyse the evolution of this particular section relating to sedition. My reply to him is that if he impartially judges things for himself and takes a proper perspective of the whole thing from 1837 up till now, I can assure him and the other Members in this House that they will find that things have changed so rapidly and we have so rapidly advanced in our so-called civilisation that a law which was perhaps useful and applicable in all its force in 1837 is not likely to meet the requirements of the present day. Mr. President, section 124-A does not penalise the press alone. There are three *Explanations* to this section which you yourself, Mr. President, must have noticed. If the conduct of a particular man or a particular press was free from these *Explanations*, as could be gathered from their action, I am certain that not even an over-zealous Judge or a Magistrate would touch even the fringe of his person. You must have noticed yourself, Sir, hundred and one people are coming out with all sorts of publications and caricatures, and, if there is going to be any modification of this section of the Indian Penal Code, I do not know what will be the position of people who might not have an influential press backing. With regard to the other section, namely, 153-A, I am sure that a politician of Mr. Ranga Iyer's calibre and experience cannot be so short-memoryed as to forget the troubles that have arisen in all parts of India, especially in the Punjab and Calcutta. If this section is taken away, I am afraid that lots of people who are law-abiding on account of this legislation, will let loose their conscience and try to do things which are unthinkable. Even in this section there is an *Explanation*. So, on the whole, I think it will not be right for us at this stage just to disturb

these arrangements that are to be found in the Indian Penal Code. If, by experience, we feel the real need for the amendment of this or that particular section, I am sure, both the Assembly and the country will rise to the occasion and ask the proper authorities to come to their rescue.

Raja Bahadur G. Krishnamachariar: Sir, I congratulate my Honourable friend, Mr. Ranga Iyer, on his excellent speech with which he treated us this morning and the dexterous way in which he treated the somewhat difficult branch of the criminal law, which relates to sedition. Sir, I have not got any political career behind me to draw upon for instances to illuminate anything that I might submit

Mr. C. S. Ranga Iyer: But my Honourable friend has a great deal of legal career behind him.

Raja Bahadur G. Krishnamachariar: Well, Sir, I do not know about the legal career, nor can I bring myself to roam about the whole of India as my friend, Mr. Yamin Khan, did, from the British connection to *Rangila Rasul* and the whole lot that one can imagine existed between them. But as one who has had something to do with law, I shall only try to deal with this Bill from one aspect, namely, the question of law. I have got a complaint against the Government in connection with this matter. My Honourable friend, the Law Member, when he was asked what the attitude of Government was with regard to this Bill, said that he was going to oppose it. Of course, we knew that. But as we are very anxious that the time of the House should not be wasted, it would be a helpful thing if those who want to take part in the debate knew exactly what the position of the Government was. Therefore, I respectfully submit for your consideration and for such action as you may deem fit to have some such arrangement as we have in a Court of justice where directly the plaintiff makes his statement the defendant is asked to state what he has got to say and then we know exactly what the issues are, and then you need not roam about the whole country just to put forward arguments which may after all be perfectly useless. That is the reason why I ask the Government to say what exactly their position is, and the mere fact that they object is neither here nor there. Consequently I have got to assume so many things and take into consideration matters which are absolutely unnecessary and would, therefore, be a waste of time of the House. But I cannot help it, it is only the Government that provoke that position and I do hope that they would hereafter consider if only out of courtesy to this side of the House to tell us exactly what they mean to do, so that we may confine our debate within reasonable limits.

The Honourable Sir Brojendra Mitter: Sir, it is out of courtesy to my Honourable friends on the Opposition Benches that I did not get up. I want to listen to their arguments and try to meet them. I do not want to anticipate those arguments and probably put arguments into their mouths which they had no intention of using. It is out of sheer courtesy to my Honourable and learned friends that I restrained myself.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): You do not want to give this side ammunition.

The Honourable Sir Brojendra Mitter: I wanted to know what the attack was before I spoke.

Raja Bahadur G. Krishnamachariar: I think my Honourable friend, the Law Member, out of mercy to me, might just as well have supplied me with some ammunition that Sir Cowasji Jehangir referred to. Perhaps he was afraid to do so. If he had done so, I can always rely upon the arguments that he put forward and then submit the whole thing for the consideration of the House. However, the whole question depends upon a very simple position, whether or not intention is a necessary ingredient of the offence of sedition.

Now, there can be no question that according to the cases decided by Judges in India, as well as in some of the cases in the Privy Council, intention is essential under section 124-A. Now, if intention is an essential ingredient of that offence, no Court will convict a man, unless the prosecution proves positively—I do not say that you can bring a man to the witness box and make him say that the man intended such and such a thing—the prosecution should place such evidence before the Court from which the Court, as a reasonable person, could infer that a certain state of things exist. That is, Sir, how proof is defined in the Evidence Act. The placing before the Court circumstances from which a reasonable man could infer whether a certain state of circumstances exist or do not exist, that is the definition of proof, and, consequently, if you start from the position that intention is a necessary ingredient of this offence, then the prosecution has got to prove it. From the judgments cited, from the opinions cited, from the statements of law in Stephen's Digest of the Criminal Law, it is perfectly clear that, at this time of the day, it is impossible to contend that a conviction could be obtained without the prosecution affirmatively proving the existence of intention. Now, as far as I understand the object of this amendment by Mr. Ranga Iyer, it is to make that law clear, so that you need not go after the decisions of the Judges who, in having to decide particular cases, sometimes go out of their way to make observations which later on are held to be *obiter dicta* and in the meanwhile the man who relied upon these observations as part of the decision comes to grief. It is a dangerous thing to rely upon the decisions of Courts alone and I understand—I may be perfectly wrong—I understand that the duty of the Legislature is that even if a Court has made certain observations even after a particular portion of the law has been codified and the object of codification has among other things been stated to be certainty, because you want to be quite certain of your law and not that persons should make mistakes about law, because ignorance of law is no excuse except in the case of Judges—they can make mistakes and the party pays for the mistakes—and, in view of the fact that ignorance of law is no excuse except in the case of Judges, I say that it is the bounden duty of the Legislature to follow the course of decision upon Acts framed by them and so to amend their enactments from time to time as to ensure that first and foremost condition underlying codification and that is certainty. Now, if you read section 124-A, as it stands and as pointed out by my Honourable and learned friend, Sir Hari Singh Gour, in his exhaustive commentary upon this section—my Honourable friend is an extraordinary gentleman in writing commentaries and you can never say where he begins and where he ends, and that is the reason why I have got to search for it . .

The Honourable Sir Brojendra Mitter: Is it permissible to quote a living author? (Laughter.)

Raja Bahadur G. Krishnamachariar: I do not quite understand the cause of this hilarity. Let me read this section:

"Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards Her Majesty, etc., etc., shall be punished."

It is pointed out that matters that you have got to prove under this section are—and I want particularly to invite the attention of the Honourable the Law Member to this—the points requiring proof are that the accused wrote or spoke the word or made the signs or representations or did some other act, that the accused thereby brought or attempted to bring into hatred or contempt or excited or attempted to excite disaffection, that such disaffection was towards the King or the Government of India. Throughout these clauses, these are the only points you have got to prove as a Counsel for the prosecution before you can ask for a conviction of the man. There is no question of intention. You need not prove intention according to the wording of the section and yet Judge after Judge, Court after Court, up to the Privy Council, have said that without intention there is no sedition. Now, the object of my Honourable friend, Mr. Ranga Iyer, is this; at least the late Mr. Rangaswami Iyengar, the great constitutional lawyer that he was, the object that he had in view, when he drafted this Bill, was this, if you accept the position that intention is a necessary ingredient of this offence and if, from the words of this section, intention has not been made clearly to be a component part of this offence, why not make it clear, why not be straightforward, and by express words say that intention is essential and be done with it. Why do you have something up your sleeve and make things very vague and then see whom you can catch. No, Sir. That is not the idea. The fact of the matter is this. I was not in the Legislature when this Act was passed and for some reason or other these words were not put in in spite of the objection brought forward. As the late Maharajadhiraja of Darbanga said, eminent Judges of the Calcutta High Court and still more eminent Counsel of the Bar at Calcutta which, as you know, Sir, is the most influential Bar in all India, and I say so advisedly, because, when the Indian Constitution was first framed, the Calcutta Bar was given special representation and, of course, it ceased to exist after that—my Honourable friend, the Law Member, was a very distinguished member of that Bar, and I hope he will follow the traditions of his profession and will not raise any objection, as the late Maharajadhiraja of Darbanga said, all the Judges of the Calcutta High Court wanted the insertion of those words, so that the point might be made clear and so that you could bring the law into conformity with what the Judges have held from time to time. I hope the Honourable the Law Member would raise no objection to inserting the word "intention", so that it may be in conformity with the opinion of those eminent Judges of his own Court and the traditions of his own Bar. That, in short, is the idea of this Bill and I really cannot imagine what objection there could be, and that, I respectfully submit, was my reason why I should have liked to hear my Honourable friend, the Law Member, before giving my reply. Another thing is this.

We have been told in this House and outside, whenever there is some little difficulty, that the law of England is like that, and my Honourable friend behind me, who was speaking immediately after Mr. Ranga Iyer, wanted to have a disquisition upon what the law in England was, and upon what the law in the Continent was. I did not know that the reason why he wanted a disquisition upon that was to point out, according to his

[Raja Bahadur G. Krishnamachariar.]

own satisfaction, that the law of sedition in India was the easiest to break, I suppose; that is to say, we are under a system of law which is the least oppressive; in Germany and France and England and in every other place the law is so very strict that we need not trouble about those places, but you should keep the law as you have it, because it is very good to you.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I am not sufficiently acquainted with the profession of my Honourable friend

Mr. C. S. Ranga Iyer: He is a distinguished Barrister at Karachi.

Raja Bahadur G. Krishnamachariar: I did not know that he belongs to the legal profession, but I am very sorry that he has forgotten for the moment that the Indian law is the strictest law regarding sedition. I have not got the books with me at present, but I could read from the judgments of eminent Judges of the Calcutta High Court to show how strict the Indian law of sedition is. To take only one instance, in the Tilak case, in the year 1898, disaffection was interpreted as want of affection. That was seriously put forward by Justice Strachey in his address to the jury. Now, Sir, I do not profess to be a student of International Law or the laws in other countries, but at one time I happened to know something about English law, although I do not say I remember it now. I do not know that the word occurs anywhere in connection with the law of seditious libel and, if so, that it was ever interpreted by eminent Judges to mean want of affection. Now, I should like my Honourable friend, when he has an opportunity, to tell this House how he is going to prove or disprove that there was want of affection in respect of a writing or in respect of a speech that has been delivered and which is the subject of the prosecution.

Now, Sir, my friends, Mr. Yamin Khan and Mr. Anwar-ul-Azim, in their great anxiety to support the traditions of our Indian nation, specially my Honourable friend, Mr. Yamin Khan, in his anger against those people who started that *Rangila Rasul*, and in his anxiety to stop a repetition of all that

Mr. Muhammad Yamin Khan: I was not at all angry.

Raja Bahadur G. Krishnamachariar: I should be surprised if you are not, because, when your Prophet is attacked in that manner, you should certainly be very angry, and I was angry myself, although I am not a Muhammadan. So that my friend, in that state of mentality, has absolutely forgotten his law, because he said that intention is not part of the offence. And yet all the while for a whole hour and a half or more than that, my friend, Mr. Ranga Iyer, was citing authority after authority to show that intention was always considered essential by the Judges who decided the question. And his only request, put in a nutshell, was that if you really mean that intention is a part of the offence, do for God's sake put it in your section and make the Code clear, as it is the intention of the codified law to make that law quite clear, so as not to admit of any more doubt. Sir, it is perfectly true that certain words have been omitted from

the existing section and I take it, the reason why my Honourable friend has forgotten to refer to it is that the psychological conditions underlying those words are such that you can only guess what the motive or the intention was; and from a guess you simply come to a judgment, and no Appellate Court can ever say whether your guess is correct or not. When, Sir, you have got a sheaf of criminal laws behind you, you have got a great many repressive laws which my friend, Mr. Yamin Khan, has blessed and which he warned Government not to remove at all from the Statute-book until at least the new Constitution came into existence, and then "after me the deluge",—anything may happen. But he has given away his case in view of all those contentions. Why do you want this law in these vague terms and why will you not agree to make it clear?

Now, Sir, proceeding to section 153-A, it is exactly the same thing. The same principle underlies section 153-A, where also the whole question is, whether you intended to create hatred between one class and another. Now, the chief ingredient of an offence under this section is the intention to promote hatred or ill-will between several classes. Now, Sir, the result of this section 153-A without that clear indication in the section itself, that intention is the chief ingredient, is this. There have been political meetings all over the country like the Hindu Mahasabha and the All-India Muslim Conference, and I do not know what and what, all these were brought together by a compromise which I read in this morning's papers,—each one of them is trying to consolidate its or his position, so far as the particular community is concerned; and, in doing so, you have got necessarily to speak strongly upon the urgency for your consolidating your position and for putting forward your demands. If intention is not the ingredient of the offence, the mere fact that you want more than what I am prepared to do is bound to create ill-feeling in me and consequently every one of those speakers and those persons who act in this matter would be liable to prosecution. That, Sir, is not the way to advance the political cause of India, and I submit that, in view of the admitted fact, there ought not to be any objection to this Bill and it should be accepted as it is.

This Bill in clause 2 says:

"With intent to incite to disorder or violence or the use of force in any form calculated to subvert or resist the lawful authority of the Government."

That, I need hardly point out, is exactly what the law is in England. In fact, if I had the time and if I thought it necessary to do so, I could cite, from the debates of the Imperial Council on a former occasion, numerous extracts which were read before that Council, where it is stated that a spoken word or something said in the heat of the controversy ought not to be taken into account unless the idea is to incite people to violence or to disorder or to produce a mentality of disobedience to the lawful constitutional order of the Government, as one case lays down. Unless it is done with that idea, the mere fact that somebody is saying something which you do not like should not be, could not be and ought not to be made the subject of a prosecution, and that, Sir, is the whole scope of this amendment.

The Honourable Sir Brojendra Mitter: Sir, I am at a loss to understand whose arguments I am to meet, Mr. Ranga Iyer's arguments or my learned friend, the Raja Bahadur's argument. (*An Honourable Member:* "Both.") With regard to Mr. Ranga Iyer's argument, I am in a further

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difficulty, because he made one argument in the forenoon and another in the afternoon. I shall deal with both. In the morning, Mr. Ranga Iyer's argument was in effect that he wanted to liberalise the law of sedition: in the afternoon, his argument was that he wanted to clarify the law of sedition. What is it that he wants? Is he wanting merely to clarify the law, or is he wanting to liberalise the law of sedition? I found no very certain note in his eloquent speech. His speech was wrapped up in so much of politics that his legal arguments got clouded. I thought, while he was speaking, that he had probably missed his vocation: he might have been a member of my profession; and so, when he had a bad case, like a skilful advocate he clouded the issues and confused the jury. That was his method.

Mr. N. M. Joshi: You do the same here in the Legislature.

The Honourable Sir Brojendra Mitter: Looking at the Statement of Objects and Reasons, I find that Mr. Ranga Iyer's intention is to bring the Bill into conformity with the acknowledged principles of civilised and free Governments. His second intention is to bring the law into conformity with sound principles on which it was originally based before it was amended in 1898. These are the two intentions in the Statement of Objects and Reasons. I shall deal with the first,—to bring it into conformity with the acknowledged principles of civilised and free Governments. As Mr. Sullivan rightly complained, Mr. Ranga Iyer never referred to the laws of any civilised and free countries and made no attempt to show that the Indian law was in any way more stringent or more oppressive than the laws of those other countries. I am not familiar with the laws of continental countries, but I am to some extent familiar with the law of England. What is the law of England? I am quoting from Stephen's Commentaries on the Laws of England. At page 158, dealing with sedition, he states what the law in England is:

"Sedition embraces all those practices which do not amount to treason, but whether by word, deed or writing directly tend to have for their object either to bring into hatred or contempt or to excite disaffection against the King or the Government and the constitution of the United Kingdom or either House of Parliament or the administration of justice."

The word "intention" does not occur there. I shall deal with the word "intention" presently, but at the moment all I am pointing out is that the word "intention" is not there . . .

Raja Bahadur G. Krishnamachariar: That is not codified law.

The Honourable Sir Brojendra Mitter: I know it is not codified law: all I am saying is, here is a statement of the law by one of the recognised authorities on criminal law, and in his statement of the law the word "intention" does not occur, although intention is an essential ingredient in the offence of sedition. My point is that it is not necessary to mention the word "intention"; any one interpreting the law would interpret the language in its proper implication, and intention is always there. To proceed, he says further:

"Secondly, to excite the King's subjects to attempt otherwise than by lawful means, the alteration of any matters in Church or State by law established; or (iii) to incite any persons to commit any crime in disturbance of the peace; or (iv) to raise discontent or disaffection amongst the King's subjects; or (v) to promote feelings of ill will and hostility between different classes of such subjects."

In so far as our section 124-A is concerned, that is covered by the first head here, that is, "Sedition embraces all those practices, etc., etc." Here is the law of England which is substantially the same as the law in India and substantially in the same terms, without express mention of the word "intention", although, in interpreting the law, Judges in England have always held that intention is a necessary ingredient in the law of sedition. Similarly, in this country, Judges have always held that intention is a necessary ingredient. The Raja Bahadur said: "Well, if it is a necessary ingredient, why not make it clear?" But why make clear something about which there has never been any doubt in the mind of any lawyer, either a practising lawyer or a Judge administering the law? Mr. Ranga Iyer said before the midday adjournment: "where is the harm in incorporating into the section what the Judges have always said?" That is a vicious principle in legislation. We are not to proceed to legislation on the basis that there is no harm in doing a thing. The real test is: "Is there necessity for it?" I will tell you the difference. For the last thirty-six years, we have had section 124-A in certain terms. That section has been interpreted scores of times; no Judge has ever felt any the slightest doubt about the meaning of that section; all the judgments and all the rulings have been more or less to the same effect; there cannot be greater certainty than that, namely, the course of decisions lasting over so many years all going the same way. Since there has been no doubt and no uncertainty, the introduction of even a comma or a semi-colon would introduce an element of uncertainty. Therefore, my submission to the House is this: do not tinker with a law about which there has been no doubt. If it is oppressive, change it by all means; but with regard to the meaning of the law, if there has been no doubt entertained by any Judge in any Court, do not introduce unnecessary words, the introduction of which is bound to raise doubts. Judges will immediately say: "Well, here was this law which was interpreted in this way, the Legislature has changed the law; the Legislature must have intended something different". Therein lies uncertainty. Why introduce uncertainty where certainty exists today? The Raja Bahadur took hold of the wrong end of the stick. It is not a question of there being no harm in introducing the word "intention". If the word was originally there, I would not have quarrelled with it. It is now there by such clear implication that nobody has entertained the slightest doubt about it. The introduction of the word "intention" will introduce a new element, and there will be speculation as to what this new introduction means. I repeat, why make uncertain what is certain at the present moment? Sir, that is my answer to the argument that there is no harm in incorporating into this section something which the Judges have always held. If the Judges have always held something, future Judges are likely to follow that; be content with it. Sir, legislation is resorted to in circumstances of doubt or conflict. If we find that a particular section has been interpreted one way by one High Court and in a different way by another High Court, when there is a conflict, then the Legislature ought to intervene and say: "Well, this ought to be the law; such and such a High Court is right, we shall endorse that High Court's decision by means of legislation". But, Sir, when all the High Courts are of one mind, the Legislature ought not to intervene.

Sir, the morning's argument of my friend, Mr. Ranga Iyer, was upon the meaning of section 124-A, whether intention was a necessary ingredient or not, and he quoted from the speech of the Maharaja of Darbhanga and other authorities. There is no difference of opinion between us and Mr. Ranga Iyer, and so I shall not labour that point. Everybody knows that intention is a necessary ingredient.

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Mr. Ranga Iyer then went on to say in the morning that the law was made more severe in 1898. I say no. The law has been the same all through. The essential ingredients of the offence of sedition were the same in 1870 as in 1898 and subsequently. In order to correct some deficiencies, *Explanations* were added and the language was slightly changed in 1898, and for 36 years that has been found to be satisfactory.

Then, Sir, Mr. Ranga Iyer referred to a number of Statutes which he described as repressive laws and said that, since you have passed so many repressive laws, what is the use of section 124A.—but that is not the Bill. His Bill is not to repeal 124A,—it is to amend 124A. Therefore, I could not appreciate the relevancy of his argument. There have been repressive laws,—what then? Repressive laws were made to meet the needs of the times, but that has no bearing upon the language of section 124A.

Then, the next argument was that 124A has been abused by the magistracy or by the Courts in a large number of cases. I shall assume, for the sake of argument, that it has been abused, but that is no argument in support of the contention that the language is defective or the law is defective. It only points to this,—that your magistracy does not know its duty or your Judges are not competent. What is the remedy? The remedy is not to amend 124A, but to improve your judiciary. That is the remedy.

Now, coming to the Bill itself,—I will take clause 2. Mr. Ranga Iyer said this afternoon, and that was repeated by Raja Bahadur Krishnamachariar, that we were merely clarifying the law, we were merely bringing the law into conformity with the judgments made, and nothing new was going to be introduced into this section. I shall presently show, there is a good deal in the Bill which goes far beyond anything that the Judges have said

Mr. N. M. Joshi: Is it good or bad?

The Honourable Sir Brojendra Mitter: Bad.

According to the existing law, as has been interpreted by the Judges, what is the intention which the prosecution has to prove? The intention is to excite feelings. I shall not quote the words at length, but I shall give the effect of it—to excite feelings of disaffection, hatred or contempt. That is the intention which the prosecution has to prove, and they can prove it only from the language used. I am not going meticulously into every part of the section, but I am taking the section broadly. Supposing there is an article or a speech,—it is from the language used that the intention is to be gathered. The intention is the intention to excite feelings of disaffection, hatred or contempt. What is the intention which Mr. Ranga Iyer wants to introduce into the law? He wants to introduce a second intention,—that is, “with intent to incite to disorder, or violence or the use of force in any form calculated to subvert or resist the lawful authority of the Government”. In Mr. Ranga Iyer’s section there are two intentions which have to be proved,—the intention to excite disaffection and the intention to use violence

Mr. N. M. Joshi: Liberalisation scheme.

The Honourable Sir Brojendra Mitter: That is the liberalisation scheme. So, I say, it was a false argument to use that this section was merely bringing the law into conformity with the existing cases. This clause imposed upon the prosecution the duty of proving two intentions,—to excite feelings of disaffection, and, secondly, intention to excite to disorder or violence or the use of force. We all know that in the law of sedition the ultimate effect is supposed to be disturbance of public tranquillity. But the direct intention with which Courts are concerned is the intention to excite feelings of disaffection, although, as I say, its remote effect may be disturbance of tranquillity. Mr. Ranga Iyer wants us not merely to concern ourselves with the immediate, but with the remote, that is to say, to make the prosecution doubly difficult. I do not suggest for a single moment that that is Mr. Ranga Iyer's motive but I say that that will be the effect of this clause. It is difficult enough to prove intention to excite disaffection from the language used. Prosecution is not launched lightly, not unless the prosecution is prepared to prove from the language used that there is that intention to be gathered from the speech or the writing. But here the prosecution will have to prove that the intention was to incite to violence. If this be the law, it would be easy enough for any journalist or any speaker to go to the extreme length without being brought within the mischief of the law. The law of sedition would be impossible to administer if this clause be passed.

Mr. C. S. Ranga Iyer: Was it not to make the administration of the law of sedition easy that the Penal Code was amended in 1898?

The Honourable Sir Brojendra Mitter: Not to make the administration easy, but to make the law clear and by the addition of an *Explanation* to liberalise the law. That was the effect of the change in 1898. The additional *Explanation* liberalised the law.

Mr. C. S. Ranga Iyer: But by leaving out "intention" did they not make it easy for the prosecution?

The Honourable Sir Brojendra Mitter: No. That is precisely what the Judges have always said. You may leave out the word "intention", but the language used in the section without the word "intention" nevertheless necessitated proof of intention. It might have been left out in terms, but it was never left out in its true meaning, as the Judges have held, and there has been no conflict of decision on this point between any of the High Courts. Sir, I have nothing very much more to say, because my comments on the clause dealing with section 153A will be on the same lines as my comments on clause 2 dealing with section 124A.

Shortly, my submission is this. There is no necessity to change the law, because there is no doubt about the law, and it is positively mischievous to change the law when the law has been certain for the last 36 years. No doubt has arisen in the minds of anybody. It has not been shown that the law should be changed because it is oppressive. It has not been shown that the law is more oppressive than in any other civilised country. I have attempted to show that the law is substantially the same as it is in England, and in our criminal law we generally follow the precedent of English law. My further submission is this, that it is a wrong policy to rush to amending laws on the ground that there is no harm in amending. The right policy is to find out whether any necessity has arisen for changing the law. If no necessity has arisen, I would much

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rather have a law which is certain but defective in language, instead of a law which will be logically perfect, but uncertain. By changing the language at a time when there is certainty, you will be introducing an element of uncertainty. Lastly, my submission is that the Bill is a great deal more than merely clarifying the law or bringing it into conformity with the decided cases. It imposes an unnecessary burden on the prosecution which, in the present circumstances or in any circumstances, would not be justified. (Applause.)

Sardar Sant Singh (West Punjab: Sikh): Sir, the law, as it stands, is not so innocent as it has been made out by the Law Member. This section has been used in the past in a manner which has created a good deal of discontent with the administration of this law. During the days when the Congress had been following a policy of non-violence, this policy was forced on the Congress when no amount of constitutional agitation was considered sufficient to bring pressure upon the Government in order to promote constitutional changes which the country so earnestly desired, this section was used in order to punish those who, in their efforts to change the constitution by constitutional methods, were doing all they could. Even today we are reminded of the existence of this law by the latest news that Pandit Jawaharlal Nehru has been convicted and sentenced to two years' imprisonment. The upholder of the bureaucratic system of Government certainly will never desire that there should be any liberalisation in the administration of the country. I quite appreciate the necessity for the law of sedition finding some place in the penal laws of a country. But this law of sedition should only apply to those cases when an attempt is made to bring about a disturbance in the tranquillity of the country or any conspiracies are hatched out in order to create civil war or produce conditions which bring about a civil war in the land. But if it is made more stringent by which it restricts the freedom of speech or freedom of writing, then it is high time that we should look into it. The law, as it stands, is different from what it was in 1870.

The Honourable the Law Member has just now tried to show that in 1898, when the change was made by Act IV of 1898, there was practically no change so far as the law was concerned, but that only certain *Explanations* were added and the law was made more liberal than it stood in 1870. With your permission, I will try to show to the House that Act IV of 1898 did make a good deal of change in the law as it stood in 1870 and which it replaced. It was not a change towards the liberalisation of the law, but it made it more stringent than it had stood before. In 1870, the section stood as follows:

"Whoever by words either spoken or intending to be read, or by signs, or by visible representation, or otherwise, excites, or attempts to excite, feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine."

Then there was an *Explanation* added to it:

"Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

The present law tries to punish bringing or attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards Her Majesty or the Government established by law in British India. Then three *Explanations* have been added. The distinction between the two is in four ways. In the repealed section, the offence consisted in exciting or attempting to excite feelings of disaffection. In the present section, in addition to this disaffection, feelings of hatred or contempt are made punishable. Secondly, in the old section, the object of the feeling was the Government established by law in British India. In the present section, the addition is made "bringing into hatred or contempt or exciting or attempting to excite disaffection towards Her Majesty". This is an addition. Then, thirdly, the old section contemplated punishing exciting disaffection, while the present has a more embracing word "sedition". It punishes sedition, and the fourth is that while the *Explanation* has not attempted to cover disapprobation of the measures of the Government, as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority is not disaffection, while here the *Explanation* added is: "The expression 'disaffection' includes disloyalty and all feelings of enmity". Then, the second *Explanation* is about the same as existed before. So, my submission is that the section, as it stood in 1870, was more restrictive in its operation than the section which was substituted for it in 1898.

The Honourable the Law Member's interpretation of this that it was a mere change in phraseology to bring it into conformity with the existing practice or interpretation of the law is, in fact, not the change that was brought about then. The other argument which he has brought forward is that this law has stood the test of 36 years and it should not be lightheartedly changed or amended when experience has shown that the law is effective. My submission is that the necessity for changing this law has arisen on account of the abuse of the section that has taken place during the last three or four years. The attention of the public is diverted towards the amendment of the law only when there is an abuse of the law. It may be partially true that the Judges are not competent to administer the law, and the remedy lies, as has been suggested, that we should rather have competent Judges than change the law. This may be one of the methods, but it is not in the power of the Opposition to appoint or dismiss Judges or to promote them or stop their promotions. It is the business of the Government. They are responsible for the appointment of the Judges and, if the Judges are not competent, the blame lies on the Government, and not on the Opposition. My submission is that if the Judges are not competent lawyers to understand the law, then the law should be made clearer, so that the Judges may be able to follow up the law and administer it in the right spirit in which the Legislature intended that the law should be administered. Honourable Members know that, during the last three or four years, several persons were prosecuted for this offence. Mostly during the Civil Disobedience Movement, the accused did not make any defence and suffered the sentences which were imposed upon them by the lower Courts. But in some cases, the accused went up to the High Court on appeal, and we find that, in interpreting the law, the High Court was greatly influenced by the fact whether the articles promoted violence or not. In cases where violence

[Sardar Sant Singh.]

was preached, the sentences were far more severe. What we want is that if a person writes anything or speaks anything without advocating the use of violence or force, he should be exempt from prosecution for sedition and should not be punished for the mere expression of an opinion. There is no doubt that the Bill, as framed by my Honourable friend, Mr. Ranga Iyer, goes much beyond the section that it was originally in 1870. It says:

“Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, excites or attempts to excite, feelings of disaffection to the Government established by law in British India, with intent to incite to disorder, or violence, or the use of force in any form calculated to subvert or resist the lawful authority of the Government shall be punished”,

and so on.

Now, here it is made clearer that unless the social fabric is disturbed by any speech or writing, the person, holding a particular opinion, should not be punished merely because of his opinions. Therefore, Sir, I think it is high time that the law is made clearer, and this Bill should be considered, at any rate, on its merits. If the provisions of the Bill go too far, I think they should be modified in the light of facts, in order to bring them into conformity with this principle that the expression of a mere opinion should not be punishable.

Mr. O. S. Ranga Iyer: Sir, the Honourable the Leader of the House has received unexpected support from the Leader of the United India Party, my Honourable friend from Meerut. When my friend, Mr. Yamin Khan, followed the Honourable Member from Karachi, who spoke as the good Irishman, that he is, with a great deal and a good sense of humour, I imagined I was getting support from one of my men, but with his usual subtlety he turned, I admit, the tables upon me by suggesting that the Home Member had the same weakness to which I had alluded as having been discovered in the Law Member while in committee, judging it from its report which is a public document, that they did not want to tinker with an Act so dear to their heart. Sir, if only they had not started tinkering with it as they did or at any rate as they threatened they would in the last Session when they mildly or rather hurriedly agreed to circulate it—hurriedly, again, so that this House could legislate on it, when they sent it to the public, I at any rate thought that they were tinkering with it. But I subsequently discovered that the Law Member and the Home Member were two magicians; they were merely placing something before you to quarrel with and then they placate you in committee, take the most objectionable thing out of it, so that the Opposition will not have any legs to stand upon; and now, Sir, my Honourable friend, instead of waiting for another occasion to use that argument, is stealing my own thunder and says: “How dare you tinker with the Indian Penal Code, so repugnant to every true lawyer?” Sir, my excuse or justification for tinkering with it is that it was already tinkered with in 1898. I know my Honourable friend, the Law Member, has said—you cannot tamper with the Indian Penal Code unless there is a clash of judgment, unless there is a conflict of judgment; there has been such a wonderful unanimity of judgment that the occasion has not yet arisen. But did such an occasion arise in 1898 for the law to be tampered with? If he did not answer this, it is probably because my Honourable friend did not want to emulate or, shall I say,

imitate me by speaking for so long, but he did not give us any single instance of the clash that took place before 1898 justifying the amendment. Sir, in the absence of the information which I have a right to ask for from the Honourable the Law Member, all that I could do now is to enquire: "Is the information forthcoming, Sir?" Well, Sir, I am waiting for the information.

The Honourable Sir Brojendra Mitter: On what point?

Mr. O. S. Ranga Iyer: The Honourable the Law Member said that the Indian Penal Code should not be amended, because there has been no conflict of judgment in regard to the amendment of 1898. I should like to know why it was interfered with before 1898.

The Honourable Sir Brojendra Mitter: Sir, I would refer my friend to Ratanlal's book on the Law of Crimes—I don't think you have got my edition, this is the 13th edition, page 290, and there the author says:

"The present section differs from the repealed section in four ways. In the repealed section, the offence consisted in exciting or attempting to excite feelings of 'disaffection'. (*This is the point.*) In the present section, in addition to this, the feeling of 'hatred' or 'contempt' is made punishable."

That is one change. Secondly:

"In the old section, the object of the feeling was 'the Government established by law in British India', in the new section, in addition to this, 'Her Majesty' is also made the object of such feeling."

The third is that:

"The offence under the old section was designated 'exciting disaffection', under the new it is called 'sedition'. The old section had one *Explanation*, the new has three", and that is all.

The changes were more or less formal changes—not substantial changes.

Mr. O. S. Ranga Iyer: But where is the conflict? There was no conflict before 1898; and if there had been any conflict before 1898, at any rate contemporary critics felt that there was no necessity for the alteration, and I shall quote the authority of a very important critic, the Honourable Pandit Bishwambhar Nath, who said so in the Governor General's Council of those days.

The amendments proposed by me are certainly calculated to soften the rigor of the law. The Honourable the Law Member has opposed my amendments, because he fears they are calculated to soften the rigour of the law. I admit, that is my intention in the light of coming democracy, as the rigour of the law has been softened in England in actual administration. Will the Honourable the Law Member or rather the Honourable the Home Member place on the table of the House the number of cases, from 1898 till this day, under section 124-A in India and under a corresponding section, because we have no penal code in England, under the seditious laws of England, action taken in that country under similar circumstances within the last so many years? The House will then understand, the country will then find a revelation as to how section 124-A has been administered. The Honourable the Law Member and the Honourable the Home Member cannot deny that it has been administered in this country

[Mr. C. S. Ranga Iyer.]

with what I may call ruthless devastation, devastating the rights and liberties of the press and the platform. (Hear, hear.) The purpose of section 124-A has been to change the platform and to imprison the press man, and that is why the Honourable the Law Member, I admit, has been quite clear that my purpose is to make the law less severe. Sir, Sir Hari Singh Gour, I remember to have read while expressing his opinion about the punishment in this section, has clearly stated that it goes far beyond the needs of a law, but I am dealing with the matter more from the political point of view, and, from that point of view, here is a ruthless law, a law which is so wide and has been so deliberately widened, as was pointed out by politicians in those days who were also lawyers, that it must be modified. This is what Pandit Bishwambhar Nath said in the Governor General's Council in 1898:

"The new section 124A, in its present form, is no improvement upon the old one. It has been observed that it is wanting in precision. Judging by the results, the section, as it stood before, did answer its object well for all practical purposes."

The Honourable the Law Member said, the law has operated all right for the last 86 years. Well, my Honourable friend could have gone back to the period from 1898 backwards to 1870 and said it had operated all right for nearly half a century and more. (*A Voice*: "64 years.") for the last sixty-four years, as some one seems to have calculated—"I failed fifteen times in arithmetic at the Matriculation", some one humorously said when asked to calculate. (Laughter.) As I was suggesting, for more than half a century, he could have maintained this, had this so called "improvement" not taken place. In my opinion, it was no improvement; it was making it worse. It was a preparation to combat the new forces that were coming into the country as a result of English education. It was a political move on the part of the then Government to combat the press, to combat the platform, with the help of the law. They were entitled to it, but they are no longer entitled to it now, because they have conceded all that the old stagers stood for, asked for and struggled for. Having done that, my point is, why not make it a little more difficult to launch prosecutions in the future? Sir, I take off my hat to the legal integrity of the Honourable the Law Member. He admitted, and I concede, that my purpose is to make it easier, to liberalise it and, by liberalising also clarify it with a view to meeting the democratic requirements of a democratised era. There is not much difference between liberalisation and clarification. I want that it should be clarified liberally and, if it is so clarified liberally, I am certain, they will meet the requirements of the future.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

The Honourable the Law Member spoke as a great lawyer, the Law Member of the Government of India has to speak not only to interpret the old law which so many Judges have interpreted for the last 86 years, but also to interpret it in the way in which he has interpreted it, so that he could justify the action that not only this Government, but also their predecessors have taken against the press and against the platform. Sir, they have abused this section, hopelessly abused it, and if the Honourable the Home Member wants to deny my charge, he has to place on the

table of the House a comparative statement showing how many presses and politicians were proceeded against under this section for the period which the Law Member mentioned, namely, 36 years, here and in England and then we can understand the difference between the English law and the Indian law, and you can interpret the law as to how it is administered. Here is a law which is put in the hands of the executive and here is an executive in this country which enjoys a judicial position unknown to the executive in England. You cannot take away these two realities and they are the realities that have existed for the last 36 years of the maladministration of section 124-A. I find that my old friend, Pandit Jawaharlal Nehru has been proceeded against under section 124-A and I wish to make no comments upon his case today.

Sardar Sant Singh: I hear that he has been convicted for two years.

Mr. C. S. Ranga Iyer: My friend says that he has been convicted for two years, and I am free to comment if that information is correct. I hope that information is correct, and the only comment that I can offer is this, that here is section 124-A which is made easy to jump upon politicians; nothing more at present. If Honourable Members of this House want to make elaborate comment upon this important matter, they can take advantage of it in a motion for adjournment. So far as I am concerned, I say this that if my amendment to this section had been accepted, Government would have thought twice before pouncing upon a gentleman who, so far as I know from the newspapers, is no personal friend of mine today. He is today my political opponent, but I must give to my political opponents, when they are down, what is their due. Here is a gentleman of remarkable energy, with a great personality . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The House has no authentic information whether the case has been disposed of by the Court. In the absence of such information, the Chair would ask the Honourable Member not to comment upon it.

Mr. C. S. Ranga Iyer: I say that the information that has been given to me by an Honourable Member of this House is authentic unless the Government contradict its authenticity. Are they prepared to contradict it, because they are supposed to have more easy and more facile information than any Non-Official Member? In the absence of that contradiction, my statement stands.

The Honourable Sir Harry Haig (Home Member): I have no information on the subject at all—one way or the other.

Sardar Sant Singh: The Associated Press has just received the news that he has been sentenced to two years.

Mr. C. S. Ranga Iyer: The President seems to read the mind of the Government. The Honourable the Home Member seems to be hopelessly out of date as compared to the Honourable Members opposite who seem to be full of information on matters of current interest. Sir, this is the whole position. Pandit Jawaharlal Nehru was proceeded against under section 124-A. I do not know what is the judgment; I comment upon the policy, and that is my whole case about the administration of section

[Mr. C. S. Ranga Iyer.]

124-A for the last so many years. Here is a youngman—he is hardly young now—he is, I believe, over 40 years, who just preaches communism and all things which are so hopelessly out of tune and out of harmony with the feelings of the people. If the Government had given him a long rope, he would not have survived the freedom that would have been given him, because the United Provinces, from which Sir Muhammad Yakub and I come and the constituencies which we represent, are so conservative that a communistic propagandist like Pandit Jawaharlal would have been destroyed by his freedom. Sir, I do not find much difference between socialism and communism. An aggressive socialist propagandist like Pandit Jawaharlal Nehru, had he not been proceeded against under this convenient section which can catch anybody, would not have survived for long. Already he was becoming hopelessly unpopular in my province. But now, when I go again to speak in the provinces, I dare not fight him. No, it is impossible, and I am saying this as a practical politician. He is now behind the bars. I find the Honourable the Home Member laughing. But he will know if he goes and preaches, as I have to preach, unpopular things to very big audiences what it is to fight a martyr behind the prison bars and how easy it is to fight a man outside the prison. I fought Pandit Jawaharlal Nehru. My platform was very small. But I knew it was like a little cloud which will spread and spread all over the United Provinces. I was fighting a man who had unsheathed the sword of socialism to destroy the existing institutions including religion itself. Tomorrow when I go to speak, what will the people say? The people will hoot me as I will deserve to be hooted, for I cannot attack the propaganda initiated by Pandit Jawaharlal Nehru though it had no legs to stand upon. Here is a section presented to the executive and they can turn it on whomever they like, and we, the politicians, have to face the music. I want to take away this executive power from the hands of this Government. It is an elaborate machinery for repression and suppression, because they are making our task very very difficult. It is very difficult to face the fury of an imprisoned martyr behind the bars. It is easy to fight him on an open platform as a free man fighting a free man. That is the feeling in this country, and I know I am talking as one who understands the people. I am prepared to retire from public life, leaving it to the Government on the one side who are extremists of extremists as the speech of the Honourable the Law Member has shown today, who want to preserve this law in all its extremism, and to the extremists on the other to fight it out. There are much better things to do in India than standing between two fires.

Now, Sir, let me deal with another aspect of the Honourable the Law Member's speech. It is the legal aspect. I am not a lawyer; but, as I have said, you cannot always talk like a lawyer and ignore the political doings made under cover of law. As section 124-A has been repeatedly abused, I want that the burden of proof must lie upon the Government in regard to "intention". I admit there is no difference between me and the Honourable the Law Member in regard to "intention". All Judges have mentioned it. Why not then put it, because there is no difference in the point of intention between the Honourable the Law Member and myself, and the Judges have always said that intention must be taken into consideration. Why not—in the light of the lightness with which Government have maladministered this section to keep down unfair agitation

which was not the purpose of this section—why not amend the section and add one more to the proof that is to be established in a Court of Law, namely, the intention. That, Sir, is my purpose. I know the Government will not circulate this Bill. They are afraid of circulating this Bill, because the opinion of all those who are good lawyers will be given in the light of the frivolous way in which the Government have applied that section 124-A, the opinions of every one of them will be to condemn the Government as having misapplied that section. That is why they do not want circulation. I do not bother myself, I wanted to make it easy for the future Governments. They do not like it, they want to keep the section in its present form.

Now, Sir, it is more pleasant to deal with a detached critic like my Honourable friend, Mr. O'Sullivan, who, I said, had the humour of an Irishman. He referred to an English King. Well, King George III, while referring to his subjects and their politics, said: "Politics is the last resort of rascals". Obviously the purpose of section 124-A is to interpret politics in that light. George III, when he used that expression, was really in his own mind imagining his subjects. He was very unpopular and so they were fighting him. If I may be pardoned, the Honourable the Home Member, whose conscience keeper is the Honourable the Law Member, both of whom are tarred with the same brush, use their brains for the same cause. The Honourable the Home Member and the Honourable the Law Member have been dealing with their opponents in the country, whose hands are not stained with blood, as rascals. They have the same mentality as the good old King George III. I shall not be so disloyal as to cast any reflection on one of the great Kings of England, King George III.

Mr. N. M. Joshi: It was Dr. Johnson who said so and not King George III.

Mr. O. S. Ranga Iyer: Well, my Honourable friend says that it was Dr. Johnson. Well, Dr. Johnson said: "Politics is the last refuge of scoundrels".

The Honourable Sir Brojendra Mitter: He said "patriotism".

Mr. O. S. Ranga Iyer: Yes, "patriotism is the last refuge of scoundrels", so said Dr. Johnson, while King George III improved upon it and he said: "Politics is the last resort of rascals", and he was all the time thinking of his own political opponents. When I heard Mr. O'Sullivan speaking about the intentions and about a lady and a purse—I do not know exactly to whom it belonged—he said; "Heaven favour", and when he said so, he reminded me of the old Spanish Proverb "Heaven favour good intentions". I wish Mr. O'Sullivan had also favoured the same good intentions case, and he would have, if I choose to press this motion to a division, to decide to vote with me. He then said: "What about constitutional agitation? This is meant to put down constitutional agitation." That is what he said. I see my Honourable friend, Mr. O'Sullivan, shakes his head. I do not want that constitutional agitation should be put down. That is important to my case. My Honourable friend, Mr. O'Sullivan, is very honest and like a true and good Barrister that he is, he has spoken the truth. The Government have been using this to put down constitutional agitation and they have no business to do so, and if my amendment is introduced now, that constitutional agitation will result in the production of a Constitution now. (Interruption.) I see my Honourable friend, Sir Lancelot Graham, interrupts me, I shall be glad to hear what he has got to say.

The Honourable Sir Brojendra Mitter: He says that constitutional agitation has been used in the sense of agitation against the constitution.

Mr. O. S. Ranga Iyer: I think constitutional agitation is rightly used in the sense of an agitation to bring about a new Constitution, and, now that the agitation has resulted in a new Constitution, why cling to the old corpse, why not rejuvenate in the older way. My Honourable friend, Mr. O'Sullivan, said that the intention clause was ridiculous. If that is so, why do Judges dwell upon it? I can quote pages after pages. It is not good as the Honourable the Law Member gave the lead, even a lawyer does not read so many quotations and it is not good for me to read them. But when they dwell at so much length on the intentions, surely they were not making themselves "ridiculous" though my Honourable friend says that the intention clause will make it ridiculous. I admit the Honourable the Law Member put it less enthusiastically, but I know that Mr. O'Sullivan enjoys the enthusiasm of freedom or the freedom of enthusiasm, I do not know how to put it, that an Honourable Non-Official Member, with no official responsibility, enjoys. He was so pleasant, he wanted to kill my case with satire and he referred to the Tilak case and the good judgment in that. After the case, Tilak came out vindicated, but if he reads the older case and Justice Strachey's judgment to which I referred in my morning speech,—and long quotations can be made still from that judgment,—if he refers to it, he will find that intention cannot be left out. But, Sir, both Mr. O'Sullivan and the Honourable the Law Member were united in one thing and, that is, in keeping the law extreme. I admit I wanted to make it moderate. Sir, extreme law can also mean extreme injustice and in the present case in actual fact it is meant to be extreme injustice. Some one said in this House, "why not think of Italy and Germany". Well, we shall soon be thinking of them. Socialism on the one side and Fascism on the other.

Mr. N. M. Joshi: Socialism is good.

Mr. O. S. Ranga Iyer: Yes, Socialism on the one side and Fascism on the other, that is the future of Indian politics. You cannot escape from it.

Mr. B. V. Jadhav: But the Fascists were Socialists at first.

Mr. O. S. Ranga Iyer: Quite. Socialism in its extreme form creates its own reaction. It creates a certain amount of disgust which all extremists create. It leads on to Fascism afterwards. Socialism goes through the crucible of extremism and then you get fascism. That is why I objected to the Government so flagrantly using section 124A against the leaders of Socialists, for I want two parties in India, the Socialists on the one side and the Fascists on the other, and so long as you make an easy use of section 124A, there will be only two parties in the country, and that is the martyrs in prison and out of prison on the one side and nobodies on the other if the Lothian electorate is to be enforced and if those gentlemen were to think of coming into this Legislature. The Government are making it more and more and more difficult under this section 124A for constitutionalism to come into existence. By suppressing this agitation for a larger Constitution and by suppressing the right of free speech, what are the Government doing? The Government are making it impossible for us to carry on. I tell them in the words of Shakespeare:

"You must not make a scarecrow of the law,
Setting it up to fear the birds of prey."

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code, be circulated for the purpose of eliciting opinion thereon."

The Assembly divided:

AYES—22.

Abdul Matin Chaudhury, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Krishnamachariar, Raja Bahadur G.
Mahapatra, Mr. Sitakanta.
Neogy, Mr. K. C.

Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Roy, Rai Bahadur Sukhraj.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.

NOES—47.

Abdul Aziz, Khan Bahadur Mian.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Chatarji, Mr. J. M.
Clayton, Mr. H. B.
Clow, Mr. A. G.
Cox, Mr. A. R.
Dalal, Dr. R. D.
Darwin, Mr. J. H.
Dillon, Mr. W.
Dudhoria, Mr. Nabakumar Sing.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grantham, Mr. S. G.
Haig, The Honourable Sir Harry
Hardy, Mr. G. S.
Hezlett, Mr. J.
Irwin, Mr. C. J.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury
Muhammad.
Jawahar Singh, Sardar Bahadur
Sardar, Sir.

Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.
Lindsay, Sir Darcy.
Metcalf, Mr. H. A. F.
Mitter, The Honourable Sir Brojendra.
Mujumdar, Sardar G. N.
Mukharji, Mr. D. N.
Mukherjee, Rai Bahadur S. C.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
O'Sullivan, Mr. D. N.
Pandit, Rao Bahadur S. R.
Puri, Mr. Goswami M. R.
Rafuddin Ahmad, Khan Bahadur
Mauly.
Ramakrishna Mr. V.
Rau, Mr. P. R.
Schuster, The Honourable Sir George
Sher Muhammad Khan Gakhar,
Captain.
Singh, Mr. Pradyumna Prashad.
Talib Mehdi Khan, Nawab Major
Malik.
Tottenham, Mr. G. R. F.
Trivedi, Mr. C. M.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 17th February, 1934.





